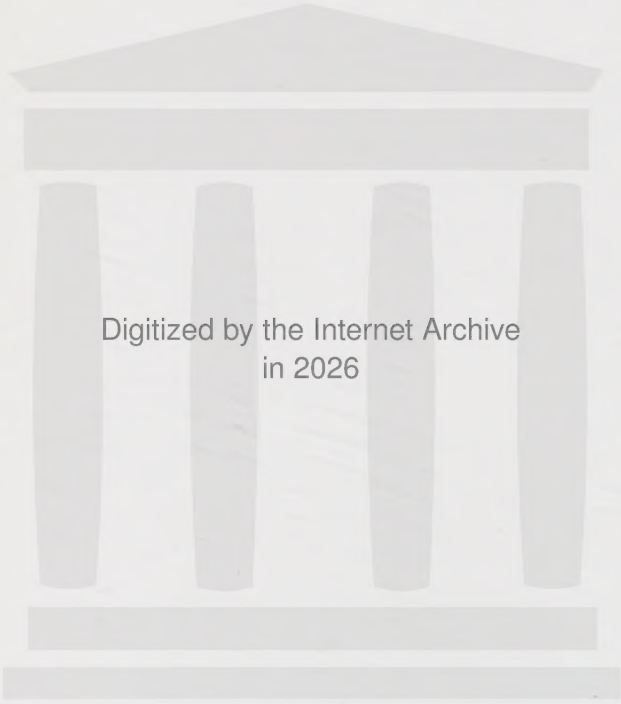
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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-FIRST AND TWENTY-SECOND YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SECOND SESSION of the SEVENTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH GENERAL INDEX, AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION.

TO WHICH IS ADDED

AN APPENDIX;

ALSO,

INDEX to the STATUTES for the YEARS 1848 to 1857.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1858.

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LONDON, 31*st March* 1848. AND. RUTHERFURD.

CONTENTS.

Page

A TABLE OF THE PUBLIC GENERAL STATUTES passed in the Second Session of the Seventeenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

APPENDIX, ... 149

A TABLE OF ALL THE LOCAL AND PERSONAL ACTS, declared public, and to be judicially noticed, do. do. . 153

PRIVATE ACTS, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, ... 166

PRIVATE ACTS, not printed, ... 167

INDEX to Statutes affecting Scotland, ... 168

INDEX to all the Public General Acts, ... 173

INDEX to the Statutes affecting Scotland for the years 1848 to 1857.

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

CAP. IV. An Act to continue an Act of the last Session, to authorize the embodying of the Militia, ... 2

CAP. XII. An Act for the Alteration of certain Duties of Customs, . 5

CAP. XV. An Act for granting certain additional Rates and Duties of Excise, ... 6

CAP. XVI. An Act for the further Amendment of the Duties of Customs, ... 9

CAP. XX. An Act for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money, ... 10

CAP. XXIV. An Act to reduce the Stamp Duty on Passports, . . 12

CAP. XXVI. An Act to abolish the Property Qualifications of Members of Parliament, ... *11

CAP. XLVII. An Act to amend the Law of False Pretences, . . 17

CAP. XLVIII. An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion, ... 17

CAP. XLIX. An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion, ... 20

CAP. LVI. An Act to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration, ... 23

CAP. LX. An Act to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857, . . 32

CAP. LXII. An Act to continue certain Acts to prevent the Spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals, ... 39

Page

CAP. LXV. An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland, . . 40
CAP. LXIX. An Act to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries in Scotland, . . . 42
CAP. LXX. An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting Articles of Manufacture, ... 43
CAP. LXXV. An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies, ... 47
CAP. LXXVI. An Act to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland, ... 48
CAP. LXXVIII. An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases, . 75
CAP. LXXIX. An Act to amend the Law relating to Cheques or Drafts on Bankers, ... 76
CAP. LXXXIII. An Act to make Provision for the better Government and Discipline of the Universities of *Scotland*, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen, ... 78
CAP. LXXXVI. An Act further to continue an Act to authorize the embodying of the Militia, ... 93
CAP. LXXXVII. An Act to continue and amend the Corrupt Practices Prevention Act, 1854, ... 94
CAP. LXXXIX. An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland*, ... 96
CAP. XC. An Act to regulate the Qualifications of Practitioners in Medicine and Surgery, ... 97
CAP. XCI. An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability, ... 112
CAP. XCIII. An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects, ... 115
CAP. CI. An Act to amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies, ... 118
CAP. CII. An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes, ... 122
CAP. CVI. An Act for the better Government of India, . . . 124
CAP. CX. An Act to extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment, ... 145

APPENDIX.

Local.—CAP. XXVI. An Act to regulate the Annual Close Time for Salmon Fisheries in the River *Tay* and its Tributaries, and in the Sea Coasts adjoining.

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. I.

An Act to indemnify the Governor and Company of the Bank of England *in respect of certain Issues of their Notes, and to confirm such Issues, and to authorise further Issues for a Time to be limited.*—[12*th* December 1857.]

§ I. Issues of Bank of England Notes since 12th November 1857 in excess of those authorised by Law confirmed and made valid.—II. The Restriction on the Amount of Securities to be taken in the Issue Department suspended. —III. The Issues in excess to be reduced on or before the Expiration of the Suspension.

CAP. II.

An Act to settle Annuities on Lady Havelock *and Sir* Henry Marshman Havelock, *in consideration of the eminent*

eminent Services of the late Major-General Havelock.—[22*d* March 1858.]

§ I. Power to grant an Annuity of £1000 to Lady Havelock, Widow of Sir H. Havelock; and a like Annuity to Sir H. M. Havelock, Bart.

CAP. III.

An Act for enabling the East India *Company to raise Money in the United Kingdom for the Service of the Government of* India.—[22*d* March 1858.]

§ I. Power to East India Company to raise any Sum not exceeding Eight Millions.—II. Money may be raised on Bonds of the Company.—III. When Money not borrowed on Bond, Debentures may be issued by the Company.—IV. As to Payment of Principal and Interest in Debentures.—V. Debentures transferable by Delivery.—VI. The whole Amount secured by Bonds, &c., not to exceed Eight Millions.—VII. Power to raise Money for Repayment of Principal Monies.—VIII. Securities to be charged on Revenues of India.—IX. Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.—X. Forgery of Debentures to be punishable as Forgery of East Indian Bonds.—XI. Returns to be annually prepared of Monies raised on Loan, &c., and presented to Parliament.—XII. Existing Powers of the Company not prejudiced.

CAP. IV.

An Act to continue an Act of the last Session to authorise the embodying of the Militia.—[25*th* March 1858.]

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, it was enacted, that it should be lawful for Her Majesty, and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, respectively, at any Time after the passing of that Act, and before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in *England, Scotland*, and *Ireland* to be drawn out and embodied in like Manner as in the respective Cases in which such Militias were then by Law authorised to be drawn out and embodied: And whereas it is expedient that the said Act should be continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

present Parliament assembled, and by the Authority of the same, as follows:

I. All the Powers and Provisions of the said Act shall be continued and shall have effect as if the Twenty-fifth Day of *March* One thousand eight hundred and fifty-nine had been mentioned therein instead of the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight. Powers of 20 & 21 Vict. c. 82, continued to 25th March 1859.

CAP. V.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.—[26*th* March 1858.]

§ I. There shall be applied for the Service of the Year 1858 the Sum of £10,000,000 out of the Consolidated Fund.—II. The Treasury may cause £10,000,000 of Exchequer Bills to be made out in manner prescribed by 48 G. 3, c. 1., 4 & 5 W. 4, c. 15., and 5 & 6 Vict., c. 66.—III. The Clauses, &c., in recited Acts extended to this Act.—IV. Interest on Exchequer Bills.—V. Bank of England may advance £10,000,000 on the Credit of this Act, notwithstanding 5 & 6 W. & M., c. 20.—VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.—VII. Monies raised by Bills to be applied to the Services voted by the Commons.—VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

CAP. VI.

An Act to apply the Sum of Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and fifty-eight.*—[26*th* March 1858.]

§ I. There shall be applied for the Service of the Year ending the 31st Day of March 1858 the Sum of £500,000 out of the Consolidated Fund.—II. The Treasury may cause £500,000 of Exchequer Bills to be made out in manner prescribed by 48 G. 3, c. 1., 4 & 5 W. 4, c. 15., and 5 & 6 Vict., c. 66.—III. The Clauses, &c., in recited Acts extended to this Act.—IV. Interest on Exchequer Bills.—V. Bank of England may advance £500,000 on the Credit of this Act, notwithstanding 5 & 6 W. & M., c. 20.—VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.—VII. Monies raised by Bills to be applied to the Services voted by the Commons.—VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

CAP. VII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[26*th* March 1858.]

CAP. VIII.

An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[26*th* March 1858.]

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.—[26*th* March 1858.]

CAP. X.

An Act to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, *to the District of* Skipton, *in the West Riding of the County of* York; *and to further declare the Limits of the District of* Toxteth Park *in the County Palatine of* Lancaster, *for the Purposes of the said Act.*—[11*th* May 1858.]

CAP. XI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge.—[11*th* May 1858.]

CAP. XII.

CAP. XII.

An Act for the Alteration of certain Duties of Customs.—[11*th* May 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties of Customs on certain Articles to cease.

I. That the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* shall cease and determine; (that is to say),

Chloride of Lime.
Platina Wire.

New Duties of Customs to be charged on certain Articles.

II. That in lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* the following Duties shall be charged; (that is to say),

Bonnets of Felt - - - -	each	6*d.*
Caoutchouc, Manufactures of - -	per lb.	2*d.*

On and after 5th April 1858, Duties of Customs to be charged on certain other Articles.

III. On and after the Fifth Day of *April* One thousand eight hundred and fifty-eight, the following Duties of Customs shall be charged on the Articles under-mentioned on the Importation thereof into *Great Britain* and *Ireland;* that is to say,

		s.	*d.*
Stearine - - - -	the Cwt.	3	6
Candles; *viz.*			
Stearine - - -	the Cwt.	3	6

Commencement of Act.

IV. This Act shall come into operation on the Day of the passing of this Act, except where otherwise herein mentioned, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1858."

Short Title.

CAP. XIII.

An Act for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight.—[11*th* May 1858.]

CAP. XIV.

CAP. XIV.

An Act for raising the Sum of Two Millions by Exchequer Bonds.—[11*th* May 1858.]

CAP. XV.

An Act for granting certain additional Rates and Duties of Excise.—[11*th* May 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of additional Duties of Excise on Spirits, &c.

I. There shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, the following additional Duties of Excise; that is to say,

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which on or after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight shall be distilled in *Ireland*, or be in the Stock, Custody, or Possession of any Distiller in *Ireland*, or of any Person in trust for him or for his Use, Benefit, or Account, or which, having been distilled in *England*, *Scotland*, or *Ireland*, shall on or after the said Day be in Warehouse in *Ireland*, and be taken out of Warehouse for Consumption in *Ireland*, or which, having been taken out of Warehouse in *England* or *Scotland* for Removal to *Ireland*, shall on or after the said Day be brought into *Ireland*, the additional Duty of One Shilling and Tenpence, and so in proportion for any greater or less degree of Strength or any greater or less Quantity:

And for and upon every Gallon of Spirits of the Nature or Quality

Quality of plain *British* Spirits of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, and imported from any of the said Islands into *Ireland*, there shall be charged and paid, on and after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight, in lieu of the Countervailing Duties of Excise now chargeable thereon under any Act or Acts in force, the Countervailing Duty of Excise of Nine Shillings, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity.

No Drawback to be allowed on Made Wines.

II. No Drawback of Excise shall be allowed or paid for or upon any Made Wines which on or after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight shall be removed from *England* or *Scotland* to *Ireland*; and the Countervailing Duties now payable on the Removal from *Ireland* to *England* or *Scotland* of the several Mixtures, Compounds, Preparations, and Commodities enumerated or described under the Head of Spirit Mixtures in the Schedule (A.) of the Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, shall also cease to be payable on any such Removal made on or after the said last-mentioned Day.

Countervailing Duties to cease.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties by this Act granted and imposed shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, and applied in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, raised, levied, collected, recovered, paid, and applied; and all Acts relating to the Duties of Excise, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act for securing Duties of Excise, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties hereby granted and imposed respectively, in as full and ample a Manner, to all Intents and Purposes, as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted and imposed as aforesaid.

Where Contracts have been made, ad-

IV. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities

ditional Duties to be added to the Price of the Articles contracted for.

modities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Duty-paid Spirits may be removed from the Stores of Distillers and others to and from different Parts of the Kingdom.

V. All Spirits on which the full Duties of Excise chargeable by Law shall have been paid may lawfully be removed from the respective Stores or Stocks of Distillers, Rectifiers, Compounders, Dealers, and Retailers of Spirits in *Great Britain* and *Ireland* respectively to and from and between the said respective Parts of the United Kingdom in like Manner as such Spirits may now be removed, and under and subject to the like Rules and Regulations as the same are now subject and liable to on the Removal thereof from any such Stores or Stocks as aforesaid to and from and between Places both of which are situated in one and the same Part of the United Kingdom.

19 & 20 Vict. c. 34.

VI. Whereas by an Act passed in the Nineteenth and Twentieth Years of her Majesty's Reign, Chapter Thirty-four, a Duty of Excise at the Rate of Two Shillings *per* Hundredweight was imposed on all Sugar used in the brewing or making of Beer after the Fifth Day of *April* One thousand eight hundred and fifty-eight, such Rate of Duty, together with the reduced Rate of Customs Duty on Sugar appointed by Law to take effect after the said last-mentioned Day, being deemed to be an Equivalent for the Duty of Excise on the Malt for which such Sugar would be substituted in the brewing or making of Beer: And whereas by an Act passed in the last Session of Parliament, Chapter Sixty-one, certain increased Rates of the Duties of Customs on Sugar were granted until the Thirty-first Day of *March* One thousand eight hundred and sixty inclusive, in lieu of the said reduced Rates: Be it enacted, That the charging and levying of the said Duty of Excise granted by the said Act of the Nineteenth and Twentieth Years of Her Majesty's Reign on Sugar used as aforesaid shall be deferred until the First Day of *April* One thousand eight hundred and sixty, and shall then be charged and levied only on Sugar so used on or after the said last-mentioned Day.

20 & 21 Vict. c. 61.

Charging of Excise Duty on Sugar used in brewing deferred until 1st April 1860.

CAP. XVI.

CAP. XVI.

An Act for the further Amendment of the Duties of Customs.—[11*th* May 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the additional Rates and Duties herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Additional Rates and Duties on Spirits, &c. imported into Ireland.

I. That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged on and after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight on the Articles under mentioned, on their Importation into *Ireland* in lieu of the Duties now payable thereon; *viz.*

		s.	*d.*
Spirits,			
——— not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by *Sykes's* Hydrometer; for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, of and from a *British* Possession in *America*, or the Island of *Mauritius*, and Rum of and from any *British* Possession within the Limits of the *East India* Company's Charter, in regard to which the Conditions of the Act 4 *Vict.* c. 8. have or shall have been fulfilled - -	the Gallon	8	2
——— Rum Shrub, Cordials, and Liqueurs of and from a *British* Possession in *America*, or the Island of *Mauritius*, or a *British* Possession within the Limits of the *East India* Company's Charter, qualified as aforesaid -	the Gallon	8	2

CAP. XVII.

An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.—[21*st* May 1858.]

CAP. XVIII.

An Act to effect an Exchange between the Commissioners of Chelsea Hospital *and the Governor and Company of* Chelsea *Waterworks of Lands in the Parishes of* Saint George Hanover Square, *and* Saint Margaret Westminster, *in the County of* Middlesex.—[21*st* May 1858.]

CAP. XIX.

An Act to continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies. —[21*st* May 1858.] (England.)

CAP. XX.

An Act for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.—[21*st* May 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the Stamp Duty herein mentioned; and do therefore most humbly beseech Your

Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After 24th May 1858 certain Drafts to be chargeable with a Stamp Duty of 1*d.*

I. From and after the Twenty-fourth Day of *May* One thousand eight hundred and fifty-eight, all Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, which being drawn upon any Banker, or any Person or Persons acting as a Banker, and residing or transacting the Business of a Banker, within Fifteen Miles of the Place where such Drafts or Orders are issued, are now exempt from Stamp Duty, shall be chargeable with the Stamp Duty of One Penny for every such Draft or Order.

The Duty to be under the Care of the Commissioners of Inland Revenue.

Powers and Provisions of former Acts to apply to this Act.

II. The Duty by this Act granted shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, and Regulations, Pains and Penalties, contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description payable in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duty by this Act granted, and to the Paper and Instruments chargeable therewith, so far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for and in the collecting and securing of the said Duty hereby granted, and otherwise in relation thereto, so far as the same shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duty by this Act granted.

CAP. XXI.

An Act to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital.—[14*th* June 1858.]

CAP. XXII.

An Act to abolish Franchise Prisons.—[14*th* June 1858.] (England.)

CAP. XXIII.

An Act for abolishing the Tolls now levied on the Bridge over the Shannon *at* Portumna *in* Ireland. —[14*th* June 1858.]

CAP. XXIV.

An Act to reduce the Stamp Duty on Passports.—[14*th* June 1858.]

WHEREAS it is expedient to reduce the Stamp Duty on Passports: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stamp Duty on Passports reduced to 6d.

I. That from and after the passing of this Act the Stamp Duty of Five Shillings now payable on a Passport shall be reduced to the Sum of Sixpence.

CAP. XXV.

An Act to amend the Act concerning Non-Parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in England, *and concerning Vaccination.* — [14*th* June 1858.] (England.)

CAP. XXVI.

An Act to abolish the Property Qualifications of Members of Parliament.—[28*th* June 1858.]

WHEREAS by the several Acts and Parts of Acts herein-after mentioned Provisions have been made for requiring, on the Part of Members of the House of Commons elected for *England* and *Ireland* respectively, certain Qualifications in respect of Property: And whereas it is expedient that the said Provisions should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Acts and Parts of Acts herein-after mentioned, (that is to say,) an Act of the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for securing the Freedom of Parliament, by farther qualifying the Members to sit in the House of Commons*, an Act of the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons*, an Act of the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for further regulating the Qualification of Members to serve in the United Parliament of* Great Britain *and* Ireland, and an Act of the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Qualification of Members to serve in Parliament*, and so much

So much of 9 Anne, c. 5., 33 G. 2. c. 20., 59 G. 3. c. 37., 1 & 2 Vict. c. 48., 39 & 40 G. 3. c. 67., 40 G. 3. c. 38. (I.), and 41 G. 3. c. 101., as relates to the Qualification of Members elected to serve in

Parliament repealed.

much of an Act of Parliament of *England*, and of an Act of Parliament of *Ireland*, respectively passed in the Fortieth Year of King *George* the Third, and respectively intituled *An Act for the Union of* Great Britain *and* Ireland, as provides that the Qualifications in respect of Property of the Members elected on the Part of *Ireland* to sit in the House of Commons of the United Kingdom shall be respectively the same as were then provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of *Great Britain* called *England*, unless any other Provisions should thereafter be made in that respect by Act of Parliament of the United Kingdom, and so much of an Act of the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for regulating, until the First Day of* May *One thousand eight hundred and two, the Trial of controverted Elections or Returns of Members to serve in the United Parliament of* Great Britain *and* Ireland *for that Part of the United Kingdom called* Ireland, *and for regulating the Qualification of Members to serve in the said United Parliament*, as relates to the Qualifications of Members elected to serve in Parliament, shall be repealed: Provided always, that the Repeal of the said recited Acts and Parts of Acts respectively shall not be construed to revive or re-enact any Act or Part of Act heretofore repealed by any of the said Acts or Parts of Acts respectively.

Repeal of Acts, &c. not to revive any heretofore repealed.

CAP. XXVII.

CAP. XXVII.

An Act to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, *and the Court of Chancery of the County Palatine of* Lancaster.—[28*th* June 1858.]

CAP. XXVIII.

An Act to continue the Peace Preservation (Ireland) *Act,* 1856.—[28*th* June 1858.]

CAP. XXIX.

An Act for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's *Charity in the Town of* Folkestone.—[28*th* June 1858.]

CAP. XXX.

An Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of Bristol.—[28*th* June 1858.]

CAP. XXXI.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of Saint Nicholas *and* Saint Leonard *in the City of* Bristol.—[28*th* June 1858.]

CAP. XXXII.

An Act to make valid certain Acts of the late Chief Justice of Bombay.—[12*th* July 1858.]

CAP. XXXIII.

An Act for the better Management of County Rates.—[12*th* July 1858.]

CAP. XXXIV.

An Act to continue "The Railways Act (Ireland), 1851."—[12*th* July 1858.]

CAP. XXXV.

An Act to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French *relative to* Portendic *and* Albreda.—[12*th* July 1858.]

CAP. XXXVI.

An Act for releasing the Lands of the Commissioners for the Exhibition of 1851, *upon the Repayment of Monies granted in aid of their Funds.*—[12*th* July 1858.]

CAP. XXXVII.

An Act to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault *in the County of* Essex.—[23*d* July 1858.]

CAP. XXXVIII.

CAP. XXXVIII.

An Act to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.—[23*d* July 1858.]

CAP. XXXIX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[23*d* July 1858.]

CAP. XL.

An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, *and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.*—[23*d* July 1858.]

CAP. XLI.

An Act to extend the Time for making Advances towards Navigations in Ireland, *under the Provisions of an Act of the Nineteenth and Twentieth* Victoria, *Chapter Sixty-two.*—[23*d* July 1858.]

CAP. XLII.

An Act for shortening the Time of Prescription in certain Cases in Ireland.—[23*d* July 1858.]

CAP. XLIII.

An Act to amend the Municipal Franchise in certain Cases.—[23*d* July 1858.]

CAP. XLIV.

An Act to give the Universities of Oxford, Cambridge, *and* Durham, *and the Colleges in those Universities, and to the Colleges of* Saint Mary *of* Winchester *near* Winchester, *and of King* Henry *the Sixth at* Eton, *Power to sell, enfranchise, and exchange Lands under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.*—[23*d* July 1858.]

CAP. XLV.

An Act to amend the Provisions of an Act of the Sixth Year of King William *the Fourth, for separating the Palatine Jurisdiction of the County Palatine of* Durham *from the Bishoprick of* Durham; *and to make further Provision with respect to the Jura Regalia of the said County.*—[23*d* July 1858.]

CAP. XLVI.

An Act to remove Doubts as to the Validity of certain Marriages of British *Subjects abroad.*—[23*d* July 1858.]

CAP. XLVII.

An Act to amend the Law of False Pretences.—[23*d* July 1858.]

WHEREAS it is expedient to amend the Law relating to False Pretences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Person obtaining Signature to Bill of Exchange, &c. by False Pretences deemed guilty of Misdemeanor.

I. If any Person shall by any False Pretence obtain the Signature of any other Person to any Bill of Exchange, Promissory Note, or any valuable Security, with Intent to cheat or defraud, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be sentenced to Penal Servitude for the Term of Four Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award.

CAP. XLVIII.

An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.—[23*d* July 1858.]

WHEREAS it is expedient that One Oath should be substituted for the Oaths of Allegiance, Supremacy, and Abjuration now required by Law: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.

I. Instead of the Oaths of Allegiance, Supremacy, and Abjuration, where the same are now by Law required to be taken and taken and subscribed respectively, the following Oath shall be taken and subscribed:

'I *A.B.* do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and

'Attempts whatever which shall be made against Her Person, 'Crown, or Dignity, and I will do my utmost Endeavour to 'disclose and make known to Her Majesty, Her Heirs and 'Successors, all Treasons and traitorous Conspiracies which 'may be formed against Her or them; and I do faithfully 'promise to maintain, support, and defend, to the utmost of 'my Power, the Succession of the Crown, which Succession, by 'an Act, intituled "An Act for the further Limitation of the '"Crown, and better securing the Rights and Liberties of the '"Subject," is and stands limited to the Princess Sophia Electress 'of Hanover, and the Heirs of Her Body being Protestants, 'hereby utterly renouncing and abjuring any Obedience or 'Allegiance unto any other Person claiming or pretending a 'Right to the Crown of this Realm; and I do declare, that no 'Foreign Prince, Person, Prelate, State, or Potentate hath or 'ought to have any Jurisdiction, Power, Superiority, Pre-'eminence, or Authority, ecclesiastical or spiritual, within this 'Realm: And I make this Declaration upon the true Faith of 'a Christian. So help me GOD.'

The Name of the Sovereign for the Time being to be used in the Oath.

II. Where in the Oath hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the Crown, and better secur-"ing the Rights and Liberties of the Subject," shall be substituted from Time to Time, with proper Words of Reference thereto.

Oath appointed by this Act to be taken in the same Cases and in like Manner as the present Oaths.

III. The Oath hereby appointed shall be taken and subscribed in the same Cases, and by and before the same Persons, and at the same Times and Places, as the Oaths of Allegiance, Supremacy, and Abjuration are respectively now directed to be taken, and taken and subscribed; and the taking and subscribing of the Oath hereby appointed shall have the like Effect as the taking, and taking and subscribing respectively of the Oaths of Allegiance, Supremacy, and Abjuration would have had if this Act had not been passed; and the Refusal, Neglect, or Omission to take and subscribe the Oath hereby appointed shall be attended with the like Disabilities, Incapacities, Penalties, Liabilities, and Consequences as now by Law provided in the Case of Refusal, Neglect, or Omission to take, or take and subscribe respectively the Oaths of Allegiance, Supremacy, and Abjuration; and all Provisions now in force shall be construed and take effect accordingly: Provided always, that no Person, having before the Commencement of this Act taken the Oaths of Allegiance, Supremacy, and Abjuration, shall be required to take and subscribe the Oath hereby appointed, unless and until he would be by Law required to take the said Oaths of Allegiance,

giance, Supremacy, and Abjuration in case this Act had not been passed.

Form of Affirmation for Quakers, &c.

IV. Provided always, That every Person of the Persuasion of the People called Quakers, and every other Person now by Law permitted to make his solemn Affirmation or Declaration instead of taking an Oath, shall, instead of taking and subscribing the Oath hereby appointed, make and subscribe a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "And I make this "Declaration upon the true Faith of a Christian. So help me "God;" and the making and subscribing of such Affirmation by a Person herein-before authorized to make and subscribe the same, with such Omission as aforesaid, shall have the same Force and Effect as the taking and subscribing by other Persons of the Oath hereby appointed.

Persons professing the Jewish Religion to make Declaration in certain Cases.
9 G. 4. c. 17.
8 & 9 Vict. c. 52.

V. And whereas by a certain Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repealing so much of the several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, a certain Declaration is prescribed to be taken in the Cases in the said Act mentioned: And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for the Relief of Persons of the Jewish Religion elected to Municipal Offices*, a certain other Declaration was permitted to be taken in certain Cases by Persons professing the Jewish Religion, instead of the Declaration required to be made and subscribed by the said Act of King *George* the Fourth: And whereas it is right to extend the Benefit of the last-recited Act to all other Cases in which the Declaration set forth in the said Act of the Ninth Year of the Reign of King *George* the Fourth is by Law required to be taken: Be it enacted, That in all Cases which are not within the Provisions of the said Act of the Ninth Year of the Reign of Her Majesty, in which any other of Her Majesty's Subjects are required by Law to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of King *George* the Fourth, Her Majesty's Subjects professing the Jewish Religion shall be required instead thereof to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of Her present Majesty, which Declaration shall, with respect to such Person professing the Jewish Religion, be of the same Force and Effect as if he made and subscribed the said Declaration by the said Act of the Ninth Year of the Reign of King *George* the Fourth, and shall be made and subscribed at the same Times and Places respectively, and

and preserved of Record in the same Manner, as the last-mentioned Declaration is now by Law required to be made, subscribed, and preserved.

Act not to affect Roman Catholic Relief Act, 10 G. 4. c. 7.

VI. Provided also, That nothing in this Act contained shall be held to alter or affect the Provisions of an Act passed in the Tenth Year of King *George* the Fourth, Chapter Seven, "for "the Relief of His Majesty's Roman Catholic Subjects."

CAP. XLIX.

An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.—[23*d* July 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to either House of Parliament to modify the Form of Oath to be taken instead of the Oaths of Allegiance, &c. by a Person professing the Jewish Religion, to entitle him to sit and vote in such House.

I. Where it shall appear to either House of Parliament that a Person professing the Jewish Religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious Objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the Form therein required, such House, if it think fit, may resolve that thenceforth any Person professing the Jewish Religion, in taking the said Oath to entitle him to sit and vote as aforesaid, may omit the Words "and I make this Declaration upon the true Faith of a Christian," and so long as such Resolution shall continue in force the said Oath, when taken and subscribed by any Person professing the Jewish Religion to entitle him to sit and vote in that House of Parliament, may be modified accordingly; and the taking and subscribing by any Person professing the Jewish Religion of the Oath so modified shall, so far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing by other Persons of the said Oath in the Form required by the said Act.

As to the Form of Oath in other Cases.

II. In all other Cases, except for sitting in Parliament as aforesaid, or in qualifying to exercise the Right of Presentation to any Ecclesiastical Benefice in *Scotland*, whenever any of Her Majesty's Subjects professing the Jewish Religion shall be required to take the said Oath, the Words "and I make this Declaration upon the true Faith of a Christian" shall be omitted.

III. Nothing

Act not to enable Persons professing the Jewish Religion to hold certain Offices.

III. Nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of *Great Britain* or *Ireland*, or the Office of Lord Lieutenant or Deputy or other Chief Governor or Governors of *Ireland*, or Her Majesty's High Commissioner to the General Assembly of the Church of *Scotland*.

Rights of Presentation to any Ecclesiastical Benefice possessed by Persons professing the Jewish Religion to devolve upon the Archbishop of Canterbury for the Time being.

IV. Where any Right of Presentation to any Ecclesiastical Benefice shall belong to any Office in the Gift or Appointment of Her Majesty, Her Heirs or Successors, and such Office shall be held by a Person professing the Jewish Religion, the Right of Presentation shall devolve upon and be exercised by the Archbishop of *Canterbury* for the Time being; and it shall not be lawful for any Person professing the Jewish Religion, directly or indirectly, to advise Her Majesty, Her Heirs or Successors, or any Person or Persons holding or exercising the Office of Guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or the Lord Lieutenant or Lord Deputy, or any other Chief Governor or Governors of *Ireland*, touching or concerning the Appointment to or Disposal of any Office or Preferment in the United Church of *England* and *Ireland* or in the Church of *Scotland;* and if such Person shall offend in the Premises he shall, being thereof convicted by due Course of Law, be deemed guilty of a high Misdemeanor, and disabled for ever from holding any Office, Civil or Military, under the Crown.

CAP. L.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.—[23*d* July 1858.]

CAP. LI.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.—[23*d* July 1858.] (England.)

CAP. LII.

An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland, *and to make Provision for the Appointment of Tipstaffs in the Superior Courts of Common Law and Equity in* Ireland.—[23*d* July 1858.]

CAP. LIII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.—[23*d* July 1858.]

CAP. LIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[23*d* July 1858.]

CAP. LV.

An Act to revive and continue an Act amending the Act for limiting the Time of Service in the Army. —[23*d* July 1858.]

CAP. LVI.

An Act to amend the Law relating to the Confirmation of Executors in Scotland, *and to extend over all*

all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.—[23*d* July 1858.]

WHEREAS it is expedient to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Practice of raising Edicts of Executry to cease.

I. From and after the Twelfth Day of *November* One thousand eight hundred and fifty-eight, the Practice of raising Edicts of Executry before the Commissary Courts in *Scotland*, for the Decerniture of Executors to deceased Persons, shall cease, and it shall not be competent to any Person to obtain himself decerned Executor in virtue of any such Edict raised subsequently to the Date aforesaid.

Petition to Commissary to be substituted.

II. From and after the Date aforesaid every Person desirous of being decerned Executor of a deceased Person as Disponee, Next of Kin, Creditor, or in any other Character whatsoever now competent, or of having some other Person, possessed of such Character, decerned Executor to a deceased Person, shall, instead of applying, as heretofore, for an Edict of Executry from the Commissary, present a Petition to the Commissary for the Appointment of an Executor, which Petition shall be in the Form as nearly as may be of the Schedule (A.) hereunto annexed, and shall be subscribed by the Petitioner or by his Agent.

Form of Petition as in Schedule (A.)

To whom Petition to be presented.

III. Such Petition shall be presented to the Commissary of the County wherein the Deceased died domiciled, and in the Case of Persons dying domiciled furth of *Scotland*, or without any fixed or known Domicile, having Personal or Moveable Property in *Scotland*, to the Commissary of *Edinburgh*.

Mode of intimating Petition.

IV. Every such Petition, in place of being published at the Kirk-door and Market Cross, as Edicts of Executry have been in use to be published, shall be intimated by the Commissary Clerk affixing on the Door of the Commissary Court House, or in some conspicuous Place of the Court and of the Office of the Commissary Clerk, in such Manner as the Commissary may direct, a full Copy of the Petition, and by the Keeper of the Record of Edictal Citations at *Edinburgh* inserting in a Book, to be kept by him for that Purpose, the Names and Designations of the Petitioner and of the deceased Person, the Place and

and Date of his Death, and the Character in which the Petitioner seeks to be decerned Executor, which Particulars the Keeper of the Record of Edictal Citations shall cause to be printed and published weekly, along with the Abstracts of the Petitions for General and Special Services, in the Form of Schedule (B.) hereunto annexed; Provided always, that to enable the Keeper of the Record of Edictal Citations to make such Publication, the Commissary Clerk shall transmit to him the said Particulars, and to enable the Commissary Clerk to grant the Certificate after mentioned, the Keeper of the Record of Edictal Citations shall transmit to the Commissary Clerk a Copy, certified by the said Keeper, of the printed and published Particulars, all in such Form and Manner and on Payment of such Fees as the Court of Session by Act of Sederunt may direct.

Certificate of Intimation of Petition.

V. The Commissary Clerk, after receiving the certified Copy of the printed and published Particulars, shall forthwith certify on the Petition that the same has been intimated and published, in Terms of the Provisions of this Act, in the Form of Schedule (C.) hereunto annexed, and such Certificate shall be sufficient Evidence of the Facts therein set forth: Provided always, that where a Second Petition for Confirmation is presented in reference to the same Personal Estate, the Commissary shall direct Intimation of such Petition to be made to the Party who presented the First Petition.

Additional Intimation of Petition in certain Cases.

Procedure on Petition.

VI. On the Expiration of Nine Days after the Commissary Clerk shall have certified the Intimation and Publication of a Petition for the Appointment of an Executor as aforesaid, the same may be called in Court, and an Executor decerned, or other Procedure may take place according to the Forms now in use in case of Edicts of Executry, and with the like Force and Effect; and Decree Dative may be extracted on the Expiration of Three lawful Days after it has been pronounced, but not sooner: Provided always, that nothing herein contained shall alter or affect the Law as to Executors finding Caution; and that Bonds of Caution for Executors may be partly printed and partly written.

Decree Dative.

Proviso as to Caution.

Not to affect present Procedure.

VII. Provided always, That nothing herein-before contained shall alter or affect the Course of Procedure now in use before the Commissaries in Confirmations of Executors Nominate.

Where Inventories, &c. may be recorded.

Confirmations may be granted.

VIII. Inventories of Personal Estates of deceased Persons and relative Testamentary Writings may be given up and recorded in, and Confirmations may be granted and issued by, any Commissary Court to which it is competent to apply in virtue of the Provisions of this Act for the Appointment of an Executor Dative to the Deceased.

IX. From

Inventory may include Personal Estate in any Part of United Kingdom.

IX. From and after the Date aforesaid it shall be competent to include in the Inventory of the Personal Estate and Effects of any Person who shall have died domiciled in *Scotland* any Personal Estate or Effects of the Deceased situated in *England* or in *Ireland*, or both: Provided that the Person applying for Confirmation shall satisfy the Commissary, and that the Commissary shall by his Interlocutor find that the Deceased died domiciled in *Scotland*, which Interlocutor shall be conclusive Evidence of the Fact of Domicile: Provided also, that the Value of such Personal Estate and Effects situated in *England* or *Ireland* respectively shall be separately stated in such Inventory, and such Inventory shall be impressed with a Stamp corresponding to the entire Value of the Estate and Effects included therein, wheresoever situated within the United Kingdom.

Form and Effect of Confirmations.

X. Confirmations shall be in the Form, or as nearly as may be in the Form, of Schedules (D.) and (E.) hereunto annexed; and such Confirmations shall have the same Force and Effect with the like Writs framed in Terms of the Acts of Sederunt passed on the Twentieth *December* One thousand eight hundred and twenty-three and the Twenty-fifth *February* One thousand eight hundred and twenty-four, or at present in use.

Oaths, before whom to be taken.

XI. Oaths and Affirmations on Inventories of Personal Estates given up to be recorded in any Commissary Court may be taken either before the Commissary or his Depute, or the Commissary Clerk or his Depute, or before any Commissioner appointed by the Commissary, or before any Magistrate or Justice of the Peace within the United Kingdom or the Colonies, or any *British* Consul.

Confirmation produced in Probate Court of England, and sealed, to have the Effect of Probate or Administration.

XII. From and after the Date aforesaid, when any Confirmation of the Executor of a Person who shall in manner aforesaid be found to have died domiciled in *Scotland*, which includes, besides the Personal Estate situated in *Scotland*, also Personal Estate situated in *England*, shall be produced in the Principal Court of Probate in *England*, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in *Scotland*, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in *England* as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate.

Confirmation produced in Probate Court of Dublin, and sealed, to have the

XIII. From and after the Date aforesaid, where any Confirmation of the Executor of a Person who shall so be found to have died domiciled in *Scotland*, which includes, besides the Personal Estate situated in *Scotland*, also Personal Estate situated in *Ireland*, shall be produced in the Court of Probate in *Dublin*,

Effect of Probate or Administration.

Dublin, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in *Scotland*, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in *Ireland* as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate in *Dublin*.

Probate or Letters of Administration produced in Commissary Court and certified, to have Effect of Confirmation.

XIV. From and after the Date aforesaid, when any Probate or Letters of Administration to be granted by the Court of Probate in *England* to the Executor or Administrator of a Person who shall be therein, or by any Note or Memorandum written thereon signed by the proper Officer, stated to have died domiciled in *England*, or by the Court of Probate in *Ireland* to the Executor or Administrator of a Person who shall in like Manner be stated to have died domiciled in *Ireland*, shall be produced in the Commissary Court of the County of *Edinburgh*, and a Copy thereof deposited with the Commissary Clerk of the said Court; the Commissary Clerk shall endorse or write on the Back or Face of such Grant a Certificate in the Form as near as may be of the Schedule (F.) hereunto annexed; and such Probate or Letters of Administration, being duly stamped, shall be of the like Force and Effect and have the same Operation in *Scotland* as if a Confirmation had been granted by the said Court.

For securing the Stamp Duties, Probates, &c. to be deemed granted for all the Property in the United Kingdom.

XV. In any of the aforesaid Cases where the deceased Person shall be stated in or upon the Probate or Letters of Administration to have been domiciled in *England* or in *Ireland*, as the Case may be, such Probate or Letters of Administration shall, for the Purpose of securing the Payment of the full and proper Stamp Duties, be deemed and considered to be granted for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom, within the Meaning of the Act of Parliament passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and of all other Acts of Parliament granting or relating to Stamp Duties on Probates and Letters of Administration in *England* and *Ireland* respectively; and the Affidavit required by Law to be made on applying for Probate or Letters of Administration in *England* or *Ireland* as to the Value of the Estate and Effects of the Deceased; and also where the Commissary shall in manner aforesaid find that the Deceased was domiciled in *Scotland*, the Inventory required by Law to be exhibited and recorded in the proper Commissary Court in *Scotland* before obtaining Confirmation, or intermitting with or entering upon the Possession or Management of the Personal

Inventory to include all such Property.

Personal or Moveable Estate or Effects of the Deceased in *Scotland*, shall respectively extend to and include the whole of the Personal and Moveable Estate of the deceased Person in the United Kingdom, and the Value thereof; and the Stamp Duties for the Time being chargeable on Probates and Letters of Administration and on Inventories respectively shall be chargeable upon any Probate or Letters of Administration to be granted, and any Inventory to be exhibited and recorded as aforesaid respectively, for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom and the Value thereof; and the said Affidavit shall also separately specify the Value of the said Estate and Effects in *Scotland*.

Provisions of former Acts to apply to the Probates, Letters of Administration, and Inventories mentioned in this Act.

XVI. For the Purpose aforesaid, and also for granting Relief where too high a Stamp Duty shall have been paid on any such Probate or Letters of Administration, or Inventory, the Provisions contained in Sections Forty, Forty-one, Forty-two, and Forty-three, of the said Act passed in the Fifty-fifth Year of His Majesty King *George* the Third, relating to Probates and Letters of Administration granted in *England*, and the like Provisions in the Act passed in the Fifty-sixth Year of the said King, Chapter Fifty-six, relating to Probates and Letters of Administration granted in *Ireland*, and the Provisions contained in the Act passed in the Forty-eighth Year of the said King, Chapter One hundred and forty-nine, relating to Inventories in *Scotland*, and also all other Provisions contained in the said Acts respectively, or in any other Act or Acts relating to Probates and Letters of Administration and Inventories respectively, shall apply to the Probates and Letters of Administration to which Effect is given by this Act, and to the whole of the Personal and Moveable Estate of the Deceased for or in respect of which the same shall, in pursuance of this Act, be deemed to be granted, wheresoever situate in the United Kingdom; and also to the Inventories in which the whole of the Personal and Moveable Estate of the Deceased, wheresoever situate in the United Kingdom, ought, in pursuance of this Act, to be included, in as full and ample a Manner as if all such Provisions were herein enacted in reference to such Probates, Letters of Administration, and Inventories respectively.

Affidavit as to Domicile to be made on applying for Probate or Administration.

XVII. Provided, That in any Case where, on applying for Probate or Letters of Administration, it shall be required to be stated as aforesaid that the Deceased was domiciled in *England* or in *Ireland*, the Affidavit so as aforesaid required by Law shall specify the Fact according to the Deponent's Belief, which shall be sufficient to authorize the same to be so stated in or upon the Probate or Letters of Administration; Provided also, that

that any such Statement, and the Interlocutor of the Commissary finding that the Deceased was domiciled in *Scotland*, shall be Evidence, and have effect for the Purposes of this Act only.

Acts of Sederunt to be passed for following out Purposes of this Act.

XVIII. It shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time, to pass such Acts of Sederunt as shall be necessary and proper for regulating in all respects the Proceedings under this Act before the Commissary of *Edinburgh* and other Commissaries in *Scotland*, and following out the Purposes of this Act, and also the Fees to be paid to Agents before the said Courts, and to the Commissary Clerks and other Officers of Court, and the Expense of Publication of Petitions.

Former Acts of Sederunt repealed if inconsistent with this Act.

XIX. All former Acts, and Acts of Sederunt made in virtue thereof, so far as inconsistent with the present Act, are hereby repealed; and this Act may be amended or repealed by any Act to be passed during the present Session of Parliament, and may be cited as the "Confirmation and Probate Act, 1858."

Interpretation of Terms.

XX. The Word "Commissary" shall include Commissary Depute, and the Term "Commissary Clerk" shall include Commissary Clerk Depute.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of a Petition for Appointment of an Executor to a deceased Person.

Unto the Honourable the Commissary of [*specify the County*], the Petition of *A.B.* [*here name and design the Petitioner*];

Humbly sheweth,

That the late *C.D.* [*here name and design the deceased Person to whom an Executor is sought to be appointed*] died at [*specify Place*] on or about the [*specify Date*], and had at the Time of his Death his ordinary or principal Domicile in the County of [*specify County, or* "furth of Scotland," *or* "without any fixed Domicile," or "without any known Domicile," *as the Case may be*].

That the Petitioner is the only Son and Next of Kin [*or state what other Relationship, Character, or Title the Petitioner has, giving him Right to apply for the Appointment of Executor*].

May

May it therefore please your Lordship to decern the Petitioner Executor Dative quâ Next of Kin to the said *C.D.* [*or state the other Character in which the Petitioner claims to be appointed Executor*].

According to Justice, &c.

[*Signed by the Petitioner or his Agent.*]

SCHEDULE (B.)

Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland.

County.	Name and Designation of Petitioner.	Title of Petitioner.	Name and Designation of Defunct.	Place and Date of Death.
Edinburgh.	*A.B.*, Writer in Edinburgh.	Next of Kin.	*C.D.*, Merchant in Edinburgh.	No. George Street, Edinburgh, 1st January 1857.

SCHEDULE (C.)

Form of Certificate by Commissary Clerk of Publication of a Petition for the Appointment of an Executor.

I, *A.B.*, Commissary Clerk [*or* "Commissary Clerk Depute," *as the Case may be,*] of the County of [*specify County*], hereby certify that this Petition was intimated by affixing a Copy thereof on the Door of the Court-house [*if some other Place has been directed by the Commissary, specify it*], on the [*specify Date*], and by being published by the Keeper of the Record of Edictal Citations at Edinburgh, in the printed Roll of Petitions for the Appointment of Executors in the Commissary Courts of Scotland, printed and published on [*specify Date*].

A.B.

SCHEDULE (D.)

Form of a Testament Dative or Confirmation of the Executor of a Person who has died without naming one.

I, *A.B.*, Commissary of the County of [*specify County*], considering that by my Decree, dated [*specify Date*], I decerned *C.D.* Executor Dative quâ Next of Kin [*or other Character, as the Case may be,*] of the late *E.F.*, who died at [*specify Place*], on [*specify Date*], and seeing that the said *C.D.* has since given up on Oath an Inventory of the Personal Estate and Effects of the said *E.F.* at the Time of his Death situated in Scotland,

Scotland, [*or* situated in Scotland and England, *or* in Scotland and Ireland, *or* in Scotland, England, and Ireland, *as the Case may be*,] amounting in Value to Pounds, which Inventory has been recorded in my Court Books, of Date [*specify Date*], and that he has likewise found Caution for his Acts and Intromissions as Executor: Therefore I, in Her Majesty's Name and Authority, make, constitute, ordain, and confirm the said *C.D.* Executor Dative quâ [*specify Character*] to the Defunct, with full Power to him to uplift, receive, administer, and dispose of the said Personal Estate and Effects, and grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of Executor Dative quâ [*specify Character*] is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariot [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.

SCHEDULE (E.)

Form of a Testament Testamentar or Confirmation of an Executor Nominate.

I, *A.B.*, Commissary of the County of [*specify County*], considering that the late *C.D.* died at [*specify Place*], upon [*specify Date*], and that by his last Will [*or other Writing containing the Nomination of Executor*], dated [*specify Date*], and recorded in my Court Books upon [*specify Date*], the said *C.D.* nominated and appointed *E.F.* to be his Executor, and that the said *E.F.* has given up on Oath an Inventory of the Personal Estate and Effects of the said *C.D.* at the Time of his Death situated in Scotland, [*or* situated in Scotland and England, *or* situated in Scotland and Ireland, *or* situated in Scotland, England, and Ireland, *as the Case may be*,] amounting in Value to Pounds, which Inventory has likewise been recorded in my Court Books of Date [*specify Date*]: Therefore I, in Her Majesty's Name and Authority, ratify, approve, and confirm the Nomination of Executor contained in the foresaid last Will [*or other Writing containing the Nomination of Executor*]; and I give and commit to the said *E.F.* full Power to uplift, receive, administer, and dispose of the said Personal Estate and Effects, grant Discharges thereof, if needful to pursue therefor,

therefor, and generally every other Thing concerning the same to do that to the Office of an Executor Nominate is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariot of [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.

SCHEDULE (F.)

I, *A.B.*, Commissary Clerk [*or* Commissary Clerk Depute] of the County of Edinburgh, hereby certify that this Grant of Probate has [*or* these Letters of Administration have] been produced in the Commissary Court of the said County, and that a Copy thereof has been deposited with me.

CAP. LVII.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.—[23*d* July 1858.] (England.)

CAP. LVIII.

An Act for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope *and* Wolsingham *in the County of* Durham *belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.*—[23*d* July 1858.]

CAP. LIX.

An Act further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in Ireland.—[23*d* July 1858.]

CAP. LX.

An Act to amend the Joint Stock Companies Acts, 1856 *and* 1857, *and the Joint Stock Banking Companies Act,* 1857.—[23*d* July 1858.]

20 & 21 Vict. c. 14.

WHEREAS by the Nineteenth Section of "The Joint Stock Companies Act, 1857," it is amongst other things provided, that where a Company is in course of being wound up voluntarily, and Proceedings are taken for having the same wound up by the Court, the Court may, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, and others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just: And whereas it is expedient to make further Provision for enabling Companies to be wound up in manner directed by the said Nineteenth Section: And whereas it is expedient to explain and amend the Acts herein-after referred to as the Joint Stock Companies Acts, that is to say, "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Act, 1857," and "The Joint Stock Banking Companies Act, 1857:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Amendment Act, 1858," and it shall be included in the Expression "Joint Stock Companies Acts," as herein-after used, unless there is something in the Context inconsistent with its being so included.

Petition for winding up,

II. A Petition praying wholly or in part that a voluntary Winding-up may continue, subject to the Supervision of the Court,

Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, and over the Appointment of a Receiver, be deemed to be a Petition for winding up the Company by the Court; and in determining whether a Company is to be wound up altogether compulsorily or under the Provisions of the said Nineteenth Section, the Court may have regard to the Wishes of the Majority in Number and Value of the Creditors as proved to it by any sufficient Evidence. subject to Supervision.

III. Where any Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may in such Order or in any subsequent Order appoint any additional Liquidator or Liquidators; and any Liquidator or Liquidators so appointed by the Court shall have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidator or Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by the Death or Resignation of any such Liquidator or Liquidators: The Court shall in the Appointment of a Liquidator or Liquidators under this Section consult any Creditor or Classes of Creditors it may think expedient to consult for the Purpose of ascertaining what Appointments are most for the Interest of the Creditors. Power of Court in proceeding under Sect. 19. of 20 & 21 Vict. c. 14. to appoint additional Liquidators.

IV. Where an Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators appointed to conduct such Winding-up may, subject to any Order made by the Court, exercise all Powers given to them, without the Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, shall for all Purposes, including the Application of any Provision relating to fraudulent Preference, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised of its own Motion, or on the Application of the official Liquidators, if an Order had been made for winding up the Company altogether by the Court. Effect of Order of Court under the said 19th Section.

V. Where an Order, Interlocutor, or Decree has been made in *Scotland* for winding up a Company compulsorily, or where an Order, Interlocutor, or Decree has been made in pursuance of the said Nineteenth Section for the Continuance of a voluntary Winding-up, it shall be competent to the Court in *Scotland* during In compulsory Winding-up, or Continuance of voluntary

Winding-up, by Decree or Order, Contributories may be decreed to pay Calls.

during Session, and to the Lord Ordinary on the Bills during Vacation, on Production by the Liquidators of a List certified by them of the Names of the Contributories liable in Payment of any Calls which they may wish to enforce, and of the Amount due by each Contributory respectively, and of the Date when the same became due, to pronounce forthwith a Decree against such Contributories for Payment of the Sums so certified to be due by each of them respectively, with Interest from the said Date till Payment at the Rate of Five Pounds *per Centum per Annum*, in the same Way and to the same Effect as if they had severally consented to Registration for Execution, on a Charge of Six Days, of a legal Obligation to pay such Calls and Interest; and such Decree may be extracted immediately, and no suspension thereof shall be competent, except on Caution or Consignation, unless with special Leave of the Court or Lord Ordinary.

Actions and Suits to be stayed.

VI. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no Suit, Action, or other legal Proceeding shall be proceeded with or commenced against the Company or the Public Officer thereof, or any Member of the Company in respect of a Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Inspection of Books.

VII. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may make such Order as it thinks just as to the Inspection by the Creditors and Contributories of Books and Papers of the Company, and such Books and Papers may be inspected by Creditors or Contributories, in conformity with such Order of the Court, but not further or otherwise.

Appointment of voluntary Liquidators as official Liquidators.

VIII. Where an Order has been made in pursuance of the said Nineteenth Section for the Continuance of a voluntary Winding-up, and such Order is afterwards superseded by an Order directing the Company to be wound up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be official Liquidators.

Power of Court to give Discretion to

IX. Where the Court makes an Order for winding up a Company compulsorily, it may, if it thinks fit, provide by that or any subsequent Order that the official Liquidators may exercise

exercise any specified Powers without the Intervention of the Court. official Liquidators.

X. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators may, with the Sanction of the Court, and upon such Notice to Creditors as to the Court shall seem fit, at any Stage of the Winding-up, pay any Classes of Creditors in full, or make such other Arrangement with Creditors as the Court may sanction; and any general or partial Scheme of Liquidation, if approved of by the Court, shall be binding on all the Creditors and Contributories of the Company. General Scheme of Liquidation may be sanctioned by Court.

XI. The Practice hitherto in use in the Court of Chancery in *England* in winding up Companies, under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849," including the Service of Summonses, Notices, and other Documents by Post, and including the Payment of a Per-centage in lieu of Fees to the Suitors Fee Fund, the Non-entry of Orders at the Registry Office, and all Powers and Jurisdictions given to the said Court of Chancery by the said Acts, and not conferred by the Joint Stock Companies Acts, shall be applicable to the winding up under the said Joint Stock Companies Acts of Companies by the Court of Chancery and Courts of Bankruptcy in *England*, until Rules for regulating such Winding-up are made in pursuance of the Powers for that Purpose given by the said Joint Stock Companies Acts; and the Courts of Chancery and Courts of Bankruptcy in *England* may adopt such Practice, Powers, and Jurisdictions to the same Extent as if the Companies were being wound up under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849;" and in the Case of Companies engaged in working any Mines within and subject to the Jurisdiction of the Stannaries, and registered under the Joint Stock Companies Acts, 1856, 1857, the like Practice, Powers, and Jurisdiction may, by Rules to be made under the Ninety-eighth Section of "The Joint Stock Companies Act, 1856," be adopted and exercised by the Court of the Vice-Warden of the Stannaries, so far as such Practice, Powers, and Jurisdiction are or can be made applicable to that Court. Reservation of Practice under old Winding-up Acts.

XII. Any Order made by the Court in *England* for or in the Course of the Winding-up of a Company under the Joint Stock Companies Acts shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company Order made in England to be enforced in Ireland and Scotland.

pany had been established in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by the Court in *Scotland* for or in the Course of the Winding-up of a Company shall be enforced in *England* and *Ireland*, and Orders made by the Court in *Ireland* for or in the Course of winding up a Company shall be enforced in *England* and *Scotland*, by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the Company were established in the Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Mode of dealing with Orders to be enforced by other Courts.

XIII. Where any Order, Interlocutor, or Decree made by one Court is required to be enforced by another Court, as hereinbefore provided, an Office Copy of the Order, Interlocutor, or Decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such Office Copy shall be sufficient Evidence of such Order, Interlocutor, or Decree having been made, and thereupon such last-mentioned Court shall cause such Order, Interlocutor, or Decree to be registered, or shall take such other Steps in the Matter as may be requisite for enforcing such Order, Interlocutor, or Decree, in the same Manner as if it were the Order, Interlocutor, or Decree of the Court enforcing the same.

Power for Liquidators in voluntary Winding-up to apply to Court for Aid.

XIV. Where a Company is being wound up altogether voluntarily, the Liquidators may apply to the Court, or to the Lord Ordinary on the Bills in *Scotland* in Time of Vacation, by Petition, Motion, the Presentation of a Special Case, or in such other Manner as the Court may direct, to determine any Question arising in the Matter of such Winding-up, or to exercise, as respects the enforcing any Calls, or in respect of any other particular Matter, all or any of the Powers which the Court might exercise if the Company were being wound up compulsorily; and the Court, or Lord Ordinary in the Case aforesaid, if satisfied that the Determination of such Question or the required Exercise of Power will be just and beneficial, may accede, wholly or partially, to such Application, upon such Terms and subject to such Conditions as the Court thinks fit, or it may make such other Order, Interlocutor, or Decree on such Application as the Court thinks just.

Power of Company to fill up Vacancies

XV. Where any Company is being wound up altogether voluntarily, or is being wound up subject to the Provisions of the said Nineteenth Section, the Company in General Meeting may

may fill up any Vacancy occasioned by the Death or Resignation of any Liquidator or Liquidators appointed by the Company. in Liquidators.

XVI. In case of any Company being wound up compulsorily, the Liquidators may invest any Moneys for the Time being in their Hands, or standing to their Credit in the Bank of *England*, arising from such Winding-up in Government Securities, including Exchequer Bills. Power for Liquidators to invest.

XVII. In fixing the Amount payable by any Contributory, in pursuance of the Joint Stock Companies Acts or any of them, he shall be debited with the Amount of all Debts due from him to the Company, including the Amount of the Call, and shall be credited with all Sums due to him from the Company on any independent Contract or Dealing between him and the Company, and the Balance, after making such Debit and Credit as aforesaid, shall be deemed to be the Sum due. Manner of making a Call.

XVIII. All Calls made or to be made on any Shareholder or Contributory, in pursuance of any of the Joint Stock Companies Acts, shall, in the event of such Shareholder or Contributory becoming bankrupt or insolvent, be proveable against his Estate. Calls proveable against Bankrupts or Insolvents Estates.

XIX. The Sixteenth Section of "The Joint Stock Companies Act, 1857," shall be repealed; and in lieu thereof be it enacted as follows: The Liquidators shall have Power to compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained, or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities; subject to the Proviso, that where an Order has been made by the Court for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no such Compromise shall be made, except in accordance with the Directions of the Court, as expressed generally in any Order made by the Court, or as given in each particular Case, and after giving such Notice to Creditors, or any Portion of them, as the Court shall direct; and that where a Company is being wound up altogether voluntarily no such Compromise shall be effected, except with the Sanction of a Special Resolution of the Company, or of a general or particular Section 16. of 20 & 21 Vict. c. 14. repealed, and this Section to be substituted.

cular Power delegated to the Liquidators by a special Resolution.

Prosecution of delinquent Directors in the Case of voluntary Winding-up.

XX. Where any Order is made for winding up a Company compulsorily, or for the Continuance of a voluntary Winding-up, subject to the Provisions of the said Nineteenth Section, if it appear in the Course of such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, direct the official Liquidators, or the Liquidators, (as the Case may be,) to institute and conduct a Prosecution or Prosecutions for such Offence, and to order the Costs and Expenses to be paid out of the Assets of the Company.

Prosecution of delinquent Directors, &c. in case of compulsory Winding-up.

XXI. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators, with the previous Sanction of the Court, to prosecute such Offender, and all Expenses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in Priority to all other Liabilities.

Application of Act to existing Winding-up.

XXII. This Act shall apply in Cases where an Order has been already made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the Nineteenth Section, for the Continuance of a voluntary Winding-up, or where a Company is in the Course of being wound up altogether voluntarily.

Companies may register for Purposes of winding up.

XXIII. Any Company or Copartnership, consisting of Seven or more Persons, having by its Constitution a Capital of fixed Amount, divided into Shares, also of fixed Amount, if it legally carried on the Business of Banking previously to "The Banking Companies Act, 1857," is entitled to register itself or to continue registered under "The Joint Stock Banking Companies Act, 1857," for the Purpose of winding up under that Act, and if it legally carried on any other Business than Banking, except that of Insurance, previously to the passing of "The Joint Stock Companies Act, 1856," is entitled to register itself or to continue registered under "The Joint Stock Companies Act, 1856," or the Joint Stock Companies Acts, 1856, 1857, for the Purpose of winding up under those Acts.

Application of Act to other Acts.

XXIV. This Act shall extend to the Provisions of the Joint Stock Companies Acts, 1856, 1857, incorporated with "The Joint Stock Banking Companies Act, 1857."

CAP. LXI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England *and* Wales.—[2*d* August 1858.]

CAP. LXII.

An Act to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals.—[2*d* August 1858.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of Her Majesty, Chapter One hundred and seven, for preventing until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals: And whereas the said Act was by sundry Acts continued until the First Day of *September* One thousand eight hundred and fifty-three, and until the End of the then Session of Parliament: And whereas by an Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Sixty-two, the said first-recited Act was extended and further continued: And whereas by an Act passed in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter One hundred and one, the said first-recited Act was further continued and will remain in force until the End of the present Session of Parliament: And whereas it is expedient that the said first-recited Act, as the same is extended by the said second-recited Act, should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 107.

16 & 17 Vict. c. 62.

19 & 20 Vict. c. 101.

I. The said recited Act passed in the Twelfth Year of the Reign of Her Majesty, as the same is extended by the said recited Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, shall continue and be in force until the First

Acts further continued.

First Day of *August* One thousand eight hundred and sixty-three, and to the End of the then next Session of Parliament.

CAP. LXIII.

An Act to continue certain Turnpike Acts in Great Britain.—[2*d* August 1858.]

*** *None of the Acts enumerated in the Schedule appended to this Act apply to Scotland.*

CAP. LXIV.

An Act to make further Provision for the Practice of Vaccination in Ireland.—[2*d* August 1858.]

CAP. LXV.

An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland.—[2*d* August 1858.]

20 & 21 Vict. c. 72.

WHEREAS by the Eighth Section of an Act passed in the last Session of Parliament, intituled *An Act to render more effectual the Police in Counties and Burghs in* Scotland, it is enacted, that it shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other public Work of a similar Nature shall be in Progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or for any Two Justices of the Peace of such County usually acting in the District in or through which any such public Work may be in the Course of Construction, on similar Application, to give Directions for the Purpose of keeping the Peace: And whereas it is expedient that Justices of the Peace should be authorized to make such Application to the Sheriffs of Counties, and that the Power of giving Directions should be confined to such Sheriffs: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 8 of recited Act repealed.

I. The Eighth Section of the said recited Act is hereby repealed.

II. It

Power to appoint additional Constables to keep the Peace on public Works.

II. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other public Work of a similar Nature shall be in Progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or of any Two Justices of the Peace of such County usually acting in the District in or through which any such public Work may be in the Course of Construction, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff may think fit for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such public Works and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the said recited Act; and such Sheriff shall decern the Company or other Parties carrying on such public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any public Work shall refuse or neglect, within Fourteen Days next after the Demand thereof, to pay any such Wages and Allowances or any Part thereof as shall by such Sheriff have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expense of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

Recited Act and this Act to be as One.

III. The said recited Act and this Act shall be read and construed as One Act.

CAP. LXVI.

An Act to amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and to abolish Foot Passenger Tolls on Chelsea Bridge *after Payment of the Sum of Eighty thousand Pounds and Interest.*—[2*d* August 1858.]

CAP. LXVII.

An Act to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.—[2*d* August 1858.] (England.)

CAP. LXVIII.

An Act to amend the Law concerning detached Parts of Counties.—[2*d* August 1858.] (England.)

CAP. LXIX.

An Act to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries in Scotland.—[2*d* August 1858.]

48 G. 3. c. 110. 55 G. 3. c. 94. 1 & 2 G. 4. c. 79. 5 G. 4. c. 64. and 7 G. 4. c. 34. 11 G. 4. & 1 W. 4. c. 54. 14 & 15 Vict. c. 26.

WHEREAS by an Act of the Forty-eighth Year of King *George* the Third, Chapter One hundred and ten, an Act of the Fifty-fifth Year of King *George* the Third, Chapter Ninety-four, and an Act of the Session holden in the First and Second Years of King *George* the Fourth, Chapter Seventy-nine, Provisions were made for branding or placing a Mark or Character on Barrels and Half Barrels containing Herrings properly cured as a Condition for obtaining Bounties payable under the said Acts: And whereas by Two Acts of the Fifth Year and Seventh Year of King *George* the Fourth the said Bounties were repealed: And whereas by an Act passed in the Session holden in the Eleventh Year of King *George* the Fourth and the First Year of King *William* the Fourth, Chapter Fifty-four, it was enacted and declared, that nothing in the said Acts of the Fifth and Seventh Years of King *George* the Fourth had repealed or rendered ineffectual so much of the said Acts of the Forty-eighth and Fifty-fifth Years of King *George* the Third, and the First and Second Years of King *George* the Fourth, as related to the placing a Mark or Character on Barrels or Half Barrels containing Herrings properly cured: And whereas an Act was passed in the Fourteenth and Fifteenth Years of Her Majesty's Reign to amend the said Acts: And whereas the Expenses

Expenses of the Establishment maintained for branding or placing such Marks and Characters as aforesaid, and the Matters connected therewith, have been defrayed out of Monies granted by Parliament, and it is expedient that moderate Fees should be payable in respect of such branding or marking, for the Purpose of defraying the Expenses of such Establishment for the future: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After 31st Dec. 1858 a Fee of 4*d.* per Barrel and 2*d.* per Half Barrel to be payable on branding.

I. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-eight there shall be payable for and in respect of every Barrel of Herrings branded or marked under the said Acts, or any of them, a Fee of Fourpence, and for every Half Barrel so branded or marked the Fee of Twopence, on or before the branding or marking of the same respectively, by the Persons producing, in Terms of the said recited Acts, such Barrels and Half Barrels respectively to be branded or marked; and all such Fees shall be paid to the Officers of the said Establishment, and the Monies so received shall be accounted for and paid over by such Officers, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.

Monies received to be paid into the Consolidated Fund.

II. The Commissioners of Her Majesty's Treasury shall cause the Monies arising from the Fees taken under this Act to be paid into the Exchequer to the Credit of the Consolidated Fund of the United Kingdom.

CAP. LXX.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.—[2*d* August 1858.]

5 & 6 Vict. c. 100.

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture,* herein-after called "The Copyright of Designs Act, 1842," there was granted to the Proprietor of any new and original Design in respect of the application of any such Design to ornamenting any Article of Manufacture contained in the Tenth

Tenth Class therein mentioned, with the Exceptions therein mentioned, the sole Right to apply the same to any Articles of Manufacture, or any such Substances as therein mentioned, for the Term of Nine Calendar Months, to be computed from the Time of such Design being registered according to the said Act: And whereas it is expedient that the Term of Copyright, in respect of the Application of Designs to the ornamenting of Articles of Manufacture comprised in the said Tenth Class, should be extended, and that some of the Provisions of the said Act should be altered, and that further Provision should be made for the Prevention of Piracy, and for the Protection of Copyright in Designs under the Acts in the Schedule hereto annexed, and herein-after called "The Copyright of Designs Acts:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The Copyright of Designs Act, 1858."

Copyright of Designs Acts and this Act to be as One.

II. The said Copyright of Designs Acts and this Act shall be construed together as One Act.

Extension of Term of Copyright as to the Tenth Class mentioned in 5 & 6 Vict. c. 100.

III. In respect of the Application of any new and original Design for ornamenting any Article of Manufacture contained in the Tenth Class mentioned in "The Copyright of Designs Act, 1842," the Term of Copyright shall be Three Years, to be computed from the Time of such Design being registered, in pursuance of the Provisions of "The Copyright of Designs Acts," and of this Act: Provided nevertheless, that the Term of such Copyright shall expire on the Thirty-first of *December* in the Second Year after the Year in which such Design was registered, whatever may be the Day of such Registration.

Copyright not to be prejudiced if Articles marked.

IV. Nothing in the Fourth Section of "The Copyright of Designs Act, 1842," shall extend or be construed to extend to deprive the Proprietor of any new and original Design applied to ornamenting any Article of Manufacture contained in the said Tenth Class of the Benefits of "The Copyright of Designs Acts," or of this Act: Provided there shall have been printed on such Articles at each End of the original Piece thereof the Name and Address of such Proprietor, and the Word "Registered," together with the Years for which such Design was registered.

Pattern may be registered.

V. And be it declared, That the Registration of any Pattern or Portion of an Article of Manufacture to which a Design is applied, instead or in lieu of a Copy, Drawing, Print, Specification,

cation, or Description in Writing, shall be as valid and effectual to all Intents and Purposes as if such Copy, Drawing, Print, Specification, or Description in Writing had been furnished to the Registrar under "The Copyright of Designs Acts."

Proprietor to give the Number and Date of Registration.

VI. The Proprietor of such extended Copyright shall, on Application by or on behalf of any Person producing or vending any Article of Manufacture so marked, give the Number and the Date of the Registration of any Article of Manufacture so marked; and any Proprietor so applied to who shall not give the Number and Date of such Registration shall be subject to a Penalty of Ten Pounds, to be recovered by the Applicant, with full Costs of Suit, in any Court of competent Jurisdiction.

Penalty on issuing Articles not so marked.

VII. Any Person who shall wilfully apply any Mark of Registration to any Article of Manufacture in respect whereof the Application of the Design thereto shall not have been registered, or after the Term of Copyright shall have expired, or who shall, during the Term of Copyright, without the Authority of the Proprietor of any registered Design, wilfully apply the Mark printed on the Piece of any Article of Manufacture, or who shall knowingly sell or issue any Article of Manufacture to which such Mark has been wilfully and without due Authority applied, shall be subject to a Penalty of Ten Pounds, to be recovered by the Proprietor of such Design, with full Costs of Suit, in any Court of competent Jurisdiction.

Proceedings for Prevention of Piracy may be instituted in the County Courts.

VIII. Notwithstanding anything in "The Copyright of Designs Acts," it shall be lawful for the Proprietor of Copyright in any Design under "The Copyright of Designs Acts," or this Act, to institute Proceedings in the County Court of the District within which the Piracy is alleged to have been committed, for the Recovery of Damages which he may have sustained by reason of such Piracy: Provided always, that in any such Proceedings the Plaintiff shall deliver with his Plaint a Statement of Particulars as to the Date and Title or other Description of the Registration whereof the Copyright is alleged to be pirated, and as to the alleged Piracy; and the Defendant, if he intends at the Trial to rely as a Defence on any Objection to such Copyright, or to the Title of the Proprietor therein, shall give Notice in the Manner provided in the Seventy-sixth Section of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, of his Intention to rely on such special Defence, and shall state in such Notice the Date of Publication and other Particulars of any Designs whereof prior Publication is alleged, or of any Objection to such Copyright, or to the Title of the Proprietor to such Copyright; and it shall be lawful for the

the Judge of the County Court, at the Instance of the Defendant or Plaintiff respectively, to require any Statement or Notice so delivered by the Plaintiff or of the Defendant respectively to be amended in such Manner as the said Judge may think fit.

The Proceedings of County Courts Acts applicable to Proceedings for Piracy of Designs.

IX. The Provisions of an Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, and of the Twelfth and Thirteenth *Victoria*, Chapter One hundred, as to Proceedings in any Plaint, and as to Appeal, and as to Writs of Prohibition, shall, so far as they are not inconsistent with or repugnant to the Provisions of this Act, be applicable to any Proceedings for Piracy of Copyright of Designs under the said Copyright of Designs Acts or this Act.

SCHEDULE referred to in the foregoing Act.

5 & 6 Vict. c. 100. [10 Aug. 1842.]	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. [22 Aug. 1843.]	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104. [14 Aug. 1850.]	An Act to extend and amend the Acts relating to the Copyright of Designs.
14 Vict. c. 8. [11 April 1851.]	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One Thousand eight hundred and fifty-one.

CAP. LXXI.

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another, as a Trustee of certain Trusts.—[2*d* August 1858.] (England.)

CAP. LXXII.

An Act to facilitate the Sale and Transfer of Land in Ireland.—[2*d* August 1858.]

CAP. LXXIII.

CAP. LXXIII.

An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases.—[2*d* August 1858.]

§ XV. This Act shall extend only to *England*.

CAP. LXXIV.

An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof.—[2*d* August 1858.] (England.)

CAP. LXXV.

An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.—[2*d* August 1858.]

WHEREAS by the Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-five, Section Six, it is enacted, amongst other things, with respect to the Cheap Trains thereby required to be provided in certain Cases, that the Fare or Charge for each Third-Class Passenger by any such Train shall not exceed One Penny for each Mile travelled: And whereas it is expedient to amend the said Act in manner hereinafter mentioned: And whereas it is also expedient to amend the Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Forty-two, intituled *An Act to enable Canal Companies to become Carriers of Goods upon their Canals*, by restraining as herein-after mentioned the Exercise of certain Powers therein contained: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 7 & 8 Vict. c. 85. 8 & 9 Vict. c. 42.

I. When

For Fractions under One Mile One Penny may be charged, and for Fractions exceeding Half a Mile, where the Distance amounts to One Mile or more, One Halfpenny may be charged.

I. When the Distance travelled by any Third-class Passenger by any Train run in compliance with the Provisions relating to Cheap Trains contained in the said Act of the Seventh and Eighth of *Victoria*, Chapter Eighty-five, is a Portion of a Mile, and does not amount to One Mile, the Fare for such Portion of a Mile may be One Penny, or when such Distance amounts to One Mile, or Two or more Miles, and a Portion of another Mile, the Fare or Charge for such Portion of a Mile, if the same amounts to or exceeds One Half Mile, may be One Halfpenny: Provided always, that for Children of Three Years and upwards, but under Twelve Years of Age, the Fare or Charge shall not exceed Half the Charge for an adult Passenger.

Rates heretofore charged not exceeding those allowed by this Clause not to be deemed excessive.

II. After the passing of this Act, no Fare heretofore charged to or received from any Third-class Passenger by any such Train as aforesaid shall in any Proceeding to be hereafter instituted be deemed to have exceeded the Rate prescribed in such Case by the said Act of the Seventh and Eighth of *Victoria*, Chapter Eighty-five, if the same shall not have exceeded the Rate of One Farthing for each entire Quarter of a Mile travelled.

Canal Companies, being also Railway Companies, not to take Leases of Canals unless specially authorized.

III. Notwithstanding anything contained in the said recited Act of the Ninth Year of Her Majesty, it shall not be lawful for any Canal or Navigation Company, being also a Railway Company, or entitled to work any Railway constructed under the Authority of any Act of Parliament, hereafter to accept a Lease of the whole or any Part of the Undertaking of any other Railway and Canal Company or of any Canal or Navigation Company, or of the Tolls, Dues, or Charges upon or in respect of the whole or any Part of any such Undertaking, except under the Powers of some Act or Acts heretofore passed or to be hereafter passed in which the Parties to any such Lease shall be specifically named and authorized to enter into the same.

Act to be in force for One Year.

IV. This Act shall continue in force for One Year next after the passing thereof, and thence to the End of the then next Session of Parliament.

CAP. LXXVI.

An Act to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland. —[2*d* August 1858.]

WHEREAS it is expedient to simplify the Forms and diminish the Expense of completing Titles to Land in *Scotland:* Be it enacted by the Queen's most Excellent Majesty,

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Instruments of Sasine no longer necessary but Conveyances may be recorded instead.

I. From and after the First Day of *October* in the present Year, it shall not be necessary to expede and record an Instrument of Sasine on any Conveyance of Lands, but it shall be competent and sufficient for the Person or Persons in whose Favour the Conveyance is granted, instead of expeding and recording such Instrument of Sasine, to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained ; and the Conveyance, being presented for Registration with a Warrant of Registration thereon, in or as nearly as may be in the Form of Schedule (A.) No. 1. hereto annexed, specifying the Person or Persons on whose Behalf it is so presented, and signed by such Person or Persons, or his or their Agent, and being so recorded along with such Warrant, shall have the same legal Force and Effect in all respects as if the Conveyance so recorded had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Conveyance, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf the Conveyance is presented for Registration.

Not necessary to record the whole Conveyance.

II. Where a Conveyance of Lands shall be contained in a Deed granted for further Purposes and Objects, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record in the appropriate Register of Sasines a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed ; and where a Deed conveys separate Lands or separate Interests in the same Lands to the same or different Persons, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which particular Lands are conveyed to the Person or Persons in whose Favour the Notarial Instrument is expede, and the Part of the Deed which specifies the Nature and Extent of the Right and Interest of such Person or Persons, with the Real Burdens, Conditions, and Limitations, if any, and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (B.) hereto annexed.

Clause directing Part of

III. Immediately before the Testing Clause of any Conveyance it shall be competent to insert a Clause of Direction, in or as

Conveyance to be recorded.

nearly as may be in the Form of Schedule (C.) hereto annexed, specifying the Part or Parts of the Conveyance which the Granter thereof desires to be recorded in the Register of Sasines, and when such Clause is so inserted the Keeper of the Register shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause, and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration as before provided, shall have the same legal Force and Effect as if a Notarial Instrument containing such Part or Parts of the Conveyance had been duly expede and recorded in favour of the Party on whose Behalf the Conveyance is presented: Provided always, that, notwithstanding such Clause of Direction, it shall be competent for the Party entitled to present the Conveyance for Registration to record the whole Conveyance, or to expede and record a Notarial Instrument as herein-before provided, in the same Manner as if the Conveyance had contained no such Clause of Direction; and where a Notarial Instrument shall be expede as herein-before provided, no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Instruments of Resignation ad remanentiam no longer necessary, but Conveyances in favour of Superior may be recorded instead.

IV. It shall not be necessary to expede and record an Instrument of Resignation *ad remanentiam* on any Procuratory of Resignation *ad remanentiam*, or on any Conveyance containing an express Clause of Resignation *ad remanentiam*, but it shall be competent and sufficient for the Superior in whose Favour the Resignation under such Procuratory or Conveyance is authorized to be made to record in the appropriate Register of Sasines such Procuratory or Conveyance, with a Warrant of Registration thereon, or to expede and record a Notarial Instrument as nearly as may be in the Form of Schedule (B.); and such Procuratory or Conveyance and Warrant, or such Notarial Instrument, being so recorded, shall have the same Effect as if an Instrument of Resignation *ad remanentiam* had been expede on such Procuratory or Conveyance, and had been recorded in the Register of Sasines, according to the present Law and Practice at the Date of recording such Procuratory or Conveyance or Instrument; and all Instruments of Resignation *ad remanentiam* may be in or as nearly as may be in the Form of Schedule (D.), and when in such Form may be recorded in the appropriate Register of Sasines at any Time during the Life of the Party in whose Favour the Resignation is made, and the Date of Presentment and Entry set forth on any Instrument of Resignation in such Form by the Keeper of the Register shall be the Date of the Resignation and of the Instrument.

V. It

V. It shall not be necessary to insert in any Conveyance a Clause of Obligation to infeft, or a Precept of Sasine or Warrant for Infeftment; and if the Lands shall be disponed to be holden *a me* only or *a me vel de me*, the Clause so expressing the Manner of holding shall imply that the Lands are to be holden in the Manner expressed in the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, Section Two, with reference to Obligations to infeft *a me* or *a me vel de me* respectively; and where no holding is expressed the Conveyance shall be held to imply that the Lands are to be holden in the same Manner in which the Granter of the Conveyance held or might have held the same; and a Clause of Resignation in any Conveyance shall be held to import a Resignation *in favorem* only, unless specially expressed to be a Resignation *ad remanentiam*: Provided always, that nothing herein contained shall prevent an Instrument of Resignation *ad remanentiam* being expede and recorded on a Conveyance heretofore granted, and containing a Clause of Resignation in the Form authorized by the Act of the Tenth and Eleventh *Victoria*, Chapter Forty-eight. Certain Clauses no longer necessary in Conveyances.

VI. Where Lands are held of the Crown or Prince and Steward of *Scotland*, and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument recorded in the appropriate Register of Sasines shall be required, it shall be competent to apply to the Presenter of Signatures for a Writ of Confirmation to be written on such Deed or Instrument, instead of a Charter of Confirmation, and such Application shall be made in the same Manner in all respects as when a Charter of Confirmation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Confirmation, he shall direct a Writ of Confirmation in, or as nearly as may be in, the Form of Schedule (E.) to be written on such Deed or Instrument; and such Writ of Confirmation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands contained in the Deed or Instrument confirmed, shall be marked on the Deed or Instrument confirmed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed or Instrument so confirmed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and intituled "The Register of Confirmations and Resignations," the leading Name or Names or other short distinctive Description of the Lands comprehended in the Deed Provision where Lands are held of the Crown, &c. and a Confirmation of a Deed, &c. required.

Deed or Instrument confirmed, the Date of recording such Deed or Instrument, the Register in which the same is recorded, the Name of the Party in whose Favour the Writ of Confirmation is granted, the Date of the Confirmation, and also the Name of the last entered Vassal, and the Date of his Entry, and the Deed or Instrument so confirmed shall thereafter be delivered to the Party applying for Confirmation, or his Agent; and the Confirmation so granted shall in all respects be as effectual as a Charter of Confirmation according to the Present Law and Practice, and shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed, in order to complete the Investiture of the Party obtaining the Confirmation.

Provision when Laws are held of a Subject Superior, and a Confirmation of a Deed, &c. required.

VII. Where Lands are held of a Subject Superior, and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument recorded as aforesaid shall be required, it shall be competent for the Superior to confirm such Deed or Instrument by a Writ of Confirmation to be written upon such Deed or Instrument as nearly as may be in the Form of Schedule E., and the Confirmation so granted shall be to all Intents and Purposes as effectual as a Charter of Confirmation according to the present Law and Practice, and the Superior shall be bound so to confirm such Deed or Instrument, if required so to do: Provided always, that the Party requiring such Confirmation shall be entitled to demand an Entry by Confirmation, and shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands contained in such Deed or Instrument, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Confirmation so granted shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Confirmation.

Provision where Lands are held of the Crown, &c. and a new Investiture by Registration, &c. required.

VIII. Where Lands are held of the Crown, or Prince and Steward of *Scotland*, and a new Investiture by Resignation shall be required, it shall be competent for the Party in right of the Deed which is the Warrant for Resignation to apply to the Presenter of Signatures for a Writ of Resignation, to be written on such Deed, instead of a Charter of Resignation; and the Application shall be made in the same Manner in all respects as when a Charter of Resignation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Resignation, he shall direct a Writ of Resignation, in or as nearly as may be in the Form of Schedule (F.), to be written on the Deed which is the Warrant for Resignation; and the Writ of Resignation shall be signed by the Presenter of Signatures, and the Amount

of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands resigned, shall be marked on the Deed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in "The Register of Confirmations and Resignations," the leading Name or Names or other short distinctive Description of the Lands resigned, the Name of the Party in whose Favour the Writ is granted, the Date of the Writ, and also the Name of the last entered Vassal, and the Date of his Entry; and the Deed shall thereafter be delivered to the Party applying for the same, or his Agent, and the Deed, with the Writ of Resignation so written upon it, shall in all respects be as effectual as if a Charter of Resignation of the Lands had been duly obtained according to the present Law and Practice, and shall, to all Intents and Purposes, operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining such Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed, with the Writ of Resignation written thereon, and Warrant of Registration also written thereon, and the recording of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording such Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall not have the Effect of an Instrument of Sasine following on such Deed.

Provision when Lands are held of a Subject Superior, and a new Investiture by Resignation, &c. required.

IX. Where Lands are held of a Subject Superior, and a new Investiture by Resignation shall be required, it shall be competent for the Superior to grant in favour of the Party in right of the Deed which is the Warrant for Resignation a Writ of Resignation as nearly as may be in the Form of Schedule (F.), which shall be written on such Deed, and the Deed with the Writ of Resignation written thereon shall be to all Intents and Purposes as effectual as if a Charter of Resignation had been granted in the usual Form, according to the present Law and Practice, and the Superior shall be bound to grant such Writ of Resignation instead of a Charter of Resignation, if required so to do: Provided always, that the Party requiring such Writ shall be entitled to demand an Entry by Resignation, and shall, if required,

quired, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands resigned, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Writ of Resignation shall to all Intents and Purposes operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed with the Writ of Resignation written thereon, and Warrant of Registration also written thereon, and the recording of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall have the Effect of an Instrument of Sasine following on such Deed.

As to Charters by Progress.

X. In granting Charters of Confirmation or Resignation or other Charters by Progress it shall be competent and sufficient to refer to the Tenendas and Reddendo of the Lands therein contained, as set forth at length in any Charter or other Writ recorded in any Public Register, and Subject Superiors shall be bound, if required, to grant such Charters containing such Reference, in like Manner as they are now bound to grant similar Charters according to the Forms at present in use.

As to Writs of Clare constat.

XI. Where, according to the present Law and Practice, Precepts from Chancery or Precepts of Clare constat are in use to be granted, it shall be competent and sufficient to grant a Writ of Clare constat in or as nearly as may be in the Form of Schedule (G.), and to record such Writ of Clare constat with the Warrant of Registration thereon in the appropriate Register of Sasines, and the same being so recorded shall have the same legal Force and Effect in all respects as if a Precept from Chancery or Precept of Clare constat had been granted, and an Instrument of Sasine thereon had been duly expede and recorded at the Date of Recording the said Writ, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf such Writ is presented for Registration; and Superiors shall be bound to grant such Writs of Clare constat, if required by the Heir entitled to demand the same: Provided always, that the Heir shall, if required, produce a Charter or other Writ showing the Tenendas and Reddendo of the Lands in which his Ancestor died vest, and shall also at the same Time pay or tender to the Superior such Duties or Casualties

Casualties as he may be entitled to demand; and where the Lands are held of the Crown or of the Prince and Steward of *Scotland*, or where the Heir is required by the Superior, he shall also produce a Decree of General or of Special Service establishing his Right to succeed to the Lands; and where the Lands are held of the Crown or Prince and Steward of *Scotland*, the Application for such Writ of Clare constat shall be made in the same Manner in all respects as when a Precept from Chancery is now applied for; and such Writ of Clare constat shall be recorded in Chancery as Precepts are now in use to be recorded, and all Precepts from Chancery, Precepts and Writs of Clare constat, shall operate as a Confirmation of the whole Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Parties obtaining such Precepts or Writs.

As to Notarial Instruments in favour of General Disponees.

XII. Where a Party shall have granted or shall grant a General Conveyance of his Lands, whether by Deed *mortis causâ* or *inter vivos*, it shall be competent to the Disponee under such Conveyance, or to any other Party who shall have acquired Right to such Conveyance, in whole or in part, by Service, Assignation, Adjudication, or otherwise, to expede and record a Notarial Instrument in or as nearly as may be in the Form of Schedule (H.); and on such Notarial Instrument being duly recorded in the appropriate Register of Sasines, such Disponee or such other Party acquiring Right as aforesaid shall be in all respects in the same Position as if a Disposition had been executed by the Grantor of the General Conveyance, in favour of the Party expeding the Notarial Instrument, of the Lands contained in such Notarial Instrument, with such Manner of holding, if any, as is expressed in the General Conveyance, and if no particular Manner of holding is therein expressed, then to be holden in the same Manner as the Grantor of the General Conveyance held or might have held the same, and as if such Disposition had been followed by an Instrument of Sasine of the said Lands in his Favour, duly expede and recorded at the Date of recording such Notarial Instrument, according to the present Law and Practice, except in the Case where the Subjects contained in such Notarial Instrument are Heritable Securities, in which Case the Party so expeding and recording the Instrument shall be in the same Position as if an Assignation of such Heritable Securities had been executed in his Favour by the Grantor of the General Conveyance, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of recording such Notarial Instrument: Provided always, that where such Notarial Instrument shall be expede by a Party other than the original Disponee

ponee under such General Conveyance, the Notarial Instrument shall set forth the Title or Series of Titles by which the Party in whose Favour the Instrument is expede acquired Right to such Conveyance, and the Nature and Extent of his Right.

As to Assignations to unrecorded Conveyances.

XIII. It shall be competent to any Party, in right of an unrecorded Conveyance, to assign the Conveyance in or as nearly as may be in the Form of Schedule (I.), No. 1., and the Assignation, or, in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines along with the Conveyance itself, and a Warrant of Registration thereon, in or as nearly as may be in the Form of Schedule (A.), No. 2., and it shall be competent to write the Assignation or Assignations on the Conveyance itself in or as nearly as may be in the Form of Schedule (I.), No. 2.; and the Conveyance, with such Warrant of Registration, along with the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or, if there be more than One, the last Assignation, had been disponed by the original Conveyance in favour of such Assignee, and the Conveyance, with the Warrant of Registration, had been recorded in the Manner herein-before provided of the Date of recording such Conveyance and Assignation or Assignations.

As to Notarial Instruments in favour of Parties acquiring Rights to unrecorded Conveyances.

XIV. Where any Party shall have acquired Right by General Conveyance, Service, Assignation, Adjudication, or otherwise, to an unrecorded Conveyance, granted in favour of another Person, it shall be competent to such Party to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (K.), setting forth the Conveyance and the Title or Series of Titles by which he acquired Right to the same, and the Nature and Extent of his Right, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines, or where it is not desired to record the whole of the Conveyance it shall be competent to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (B.), setting forth generally the Nature of the Deed, and containing at Length those Portions of the Deed by which the Lands in regard to which the said Instrument is expede are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed, and also setting forth the Title or Series of Titles by which the Party acquired Right to the Conveyance, and the Nature and Extent of his Right, and to record such Notarial Instrument in the appropriate Register of Sasines; and on the Conveyance, with

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a Warrant of Registration thereon, along with such Notarial Instrument in the Form of the said Schedule (K.), or on such Notarial Instrument in the Form of the said Schedule (B.) being so recorded, the Party expeding the Instrument shall be in the same Position as if the original Conveyance had been granted to himself, and along with a Warrant of Registration thereon had been recorded in the Manner herein-before provided of the Date of recording the Notarial Instrument.

Particular Description of Lands contained in prior recorded Deeds may be referred to, &c.

XV. Where Lands have been particularly described in any prior Conveyance, or other Writ, duly recorded in the appropriate Register of Sasines, it shall not be necessary, in any subsequent Conveyance or Writ containing or referring to the whole or any Part of such Lands, to repeat the particular Description of the Lands at Length, but it shall be sufficient to specify the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and Parish or supposed Parish, and to refer to the particular Description contained in the prior Conveyance or other Writ so recorded, in or as nearly as may be in the Manner set forth in Schedule (L.), No. 1.; and the Specification and Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance or other Writ so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance or other Writ; and in any other subsequent Conveyance or Writ it shall be competent and sufficient to use such leading Name or Names or short distinctive Description, with the Addition of the Name of the County and Parish or supposed Parish, and to make reference to the Conveyance or Writ in which such leading Name or Names or short distinctive Description shall have been so specified, without again referring to the several Conveyances or other Writs containing the particular Description of such Lands; and in such Case the Use of such leading Name or Names or short distinctive Description, with the Addition and Reference before provided, shall be held to be equivalent to the full Insertion of the particular Description contained in the several Conveyances or other Writs recorded and specified as aforesaid.

Several Lands conveyed by the same Deed may be comprehended under One general Name.

XVI. Where several Lands are comprehended in one Conveyance in favour of the same Person or Persons, it shall be competent to insert a Clause in the Conveyance declaring that the whole Lands conveyed, and therein particularly described, shall be designed and known in future by One general Name to be therein specified; and on the Conveyance containing such Clause being duly recorded in the appropriate Register of Sasines, it shall be competent in all subsequent Conveyances or other

other Writs to use the general Name specified in such Clause as the Name of the several Lands declared by such Clause to be comprehended under it, and a Conveyance of such several Lands under the general Name so specified shall be as effectual in all respects as if the Conveyance contained a particular Description of each of such several Lands: Provided always, that Reference be made in such Conveyances and Instruments of Sasine and Notarial Instruments to a prior recorded Conveyance or Instrument of Sasine or Notarial Instrument or other Writ in which such Clause and Description are contained; provided also, that it shall not be necessary in such Clause to comprehend under One general Name the whole Lands contained in the Conveyance in which such Clause is inserted, but that it shall be competent to comprehend certain Lands under One general Name, and certain other Lands under another general Name, it being clearly specified what Lands are comprehended under each general Name; and such Clause of Reference shall be in or as nearly as may be in the Terms set forth in Schedule (L.), No. 2., hereto annexed.

Destinations in Entails may be referred to.

XVII. Where Lands are or shall hereafter be held under a Deed of Entail it shall not be necessary to repeat the Destination contained in such Entail at Length in the Conveyances, Instruments of Sasine, Notarial Instruments, or other Writs necessary to transmit, renew, or complete a Title under such Entail, but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, Notarial Instrument, or other Writ duly recorded in the appropriate Register of Sasines forming Part of the Progress of Title Deeds of the Lands comprehended under the said Entail, such Reference being made in the Terms or as nearly as may be in the Terms set forth in Schedule (L.), No. 3., hereto annexed; and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Deed, Instrument, or other Writ referred to had been inserted at Length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther.

Certain Clauses in Entails no longer necessary.

XVIII. Where a Deed of Entail contains an express Clause authorizing Registration of the Deed in the Register of Tailzies it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession,

sion, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIX. All Conveyances and Procuratories of Resignation *ad remanentiam*, with Warrants of Registration written thereon, and all Notarial Instruments and Instruments of Resignation *ad remanentiam*, hereby authorized to be recorded in the Register of Sasines, may be recorded at any Time in the Life of the Party on whose Behalf the same shall be presented for Registration in the same Manner as Instruments of Sasine are recorded, and the Keepers of such Register are hereby authorized and required to record the same accordingly, when presented for that Purpose; and the Date of Entry in the Minute Book shall be held to be the Date of Registration, and the Date of Registration of all such Conveyances, Procuratories of Resignation *ad remanentiam*, Notarial Instruments, and Instruments of Resignation *ad remanentiam*, shall be equivalent to the Date of Registration of Instruments of Sasine and Instruments of Resignation *ad remanentiam* according to the existing Law and Practice; and Extracts of all such Conveyances, Procuratories of Resignation, Warrants of Registration, Notarial Instruments, and Instruments of Resignation *ad remanentiam* so recorded shall make faith in all Cases in like Manner as the recorded Conveyances, Procuratories, Warrants, and Instruments themselves, except where any such Conveyance, Procuratory, Warrant, or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XX. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Land Rights by the Forms in use prior to the passing of this Act.

Mode of completing Title by a Judicial Factor.

XXI. Where a Judicial Factor or other Judicial Manager shall apply by Petition for Authority to complete a Title to any Lands forming Part of the Estate under his Management, and where the Petition shall specify the Lands to which such Title is to be completed, the Warrant granted for completing such Title shall also specify the Lands to which such Title is to be completed, and such Warrant shall have the legal Operation and Effect of a Disposition of the Lands in favour of such Judicial Factor or Manager from the Party whose Estate is under Judicial Management, to be holden in the same Manner as such Party held or might have held the same, except in the Case where the Subjects contained in such Warrant shall be Heritable Securities, in which Case such Judicial Factor or Manager on recording such Warrant in the appropriate Register of Sasines shall be in the same Position as if such Party had granted in his

Favour

Favour an Assignation of such Heritable Securities, and as if such Assignation had been recorded in the appropriate Register of Sasines at the Date of recording such Warrant.

Mode of completing Title by a Trustee in Sequestration, and by Liquidators of Joint Stock Companies.

XXII. It shall be competent to a Trustee on a sequestrated Estate, or to Liquidators, official or voluntary, appointed for the Purpose of winding up a Joint Stock Company, to expede a Notarial Instrument, setting forth the Act and Warrant of Confirmation in favour of such Trustee, or the Appointment of such Liquidators, official or voluntary, respectively, and specifying the Lands belonging to the Bankrupt or Company to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt or Company, in or as nearly as may be in the Form of Schedule (M.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines, and on such Notarial Instrument being so recorded such Trustee or such Liquidators shall be held to be in all respects in the same Position as if the Bankrupt or Company had granted a Conveyance of the Lands contained in the Notarial Instrument in favour of such Trustee or such Liquidators, to be holden in the same Manner as the Bankrupt or the Company held or might have held the same, and as if such Conveyance had been followed by an Instrument of Sasine of said Lands in favour of such Trustee or of such Liquidators, duly expede and recorded at the Date of recording such Notarial Instrument, except in the Case where the Subjects contained in such Notarial Instrument are Heritable Securities, in which Case such Trustee or such Liquidators, on recording the Instrument in the appropriate Register of Sasines, shall be in the same Position as if an Assignation of such Heritable Securities had been granted in favour of such Trustee by the Bankrupt, or in favour of such Liquidators by the Company, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of recording such Notarial Instrument.

Mode of relinquishing Superiorities.

XXIII. In order to facilitate the extinguishing of Midsuperiorities not defeasible by the Vassal it shall be competent to any Subject Superior, whether himself entered with his Superior or not, to relinquish his Right of Superiority in favour of his immediate Vassal, by granting a Deed of Relinquishment in the Form and as nearly as may be in the Terms of Schedule (N, No. 1.) hereto annexed; and on the Deed of Relinquishment being accepted by the Vassal by an Acceptance written on such Deed in the Terms set forth in the Schedule (N, No. 2.) hereto annexed, and being followed by a Writ of Investiture by the Oversuperior as herein-after provided, also written upon the Deed of Relinquishment, and on such Deed with the Acceptance and Writ of Investiture written thereon being thereafter recorded

corded in the appropriate Register of Sasines, the Superiority so relinquished shall be held to be extinguished, and the Vassal and his Successors in the Lands shall hold the same as immediate Vassals of the Oversuperior by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, and the Vassal and his foresaids shall be entitled to apply for an Entry to such Oversuperior accordingly as his immediate Superior; and such Relinquishment by a Superior who shall not have completed his Title to the Superiority relinquished shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price or Consideration, if any, which he may receive for such Relinquishment.

Investiture by Oversuperior.

XXIV. On the Application of the Vassal in the relinquished Superiority, and on Production by him of the Deed of Relinquishment, and Acceptance thereof, and on his paying or tendering such Duties and Casualties as may be exigible by the Oversuperior, the Oversuperior shall be bound to receive the Vassal as his immediate Vassal by Writ of Investiture in or as nearly as may be in the Form of the Schedule (N, No. 3.) to be written on the Deed of Relinquishment, and the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted therein in room of those contained in the former Investiture held under the relinquished Superiority; and where the Lands are held of the Crown or of the Prince and Steward of *Scotland* such Writ of Investiture shall be obtained from the Presenter of Signatures in the same Manner as is herein-before directed in regard to Confirmations written on the Deeds confirmed: Provided always, that the Party applying for such Writ of Investiture shall lodge or cause to be lodged in the Office of the Presenter of Signatures a Draft of the proposed Writ, in the same Manner as when a Crown Charter or Precept is now applied for; and the Deed of Relinquishment, with the Acceptance and Writ of Investiture thereon, shall be officially transmitted to the Director of Chancery, and recorded in the same Manner in which Crown Charters are now in use to be recorded, and shall thereafter be delivered to the Vassal or his Agent on Payment of the same Fees as are now payable for recording a Charter in Chancery; and the Investiture completed upon such Relinquishment of the Superiority shall be as effectual as if the Granter of the Deed of Relinquishment had completed his Title to the Superiority, and had thereafter conveyed the same to the Vassal, and the latter, after having completed his Titles under the Oversuperior, had resigned *ad remanentiam* in his own Hands: Provided always, that the Investiture so completed shall not in any respect extend

tend the Rights or Interests of such Oversuperior, and that he shall be entitled to no more than the Duties and Casualties, taxed or untaxed, to which he would have been entitled if the Granter of the Deed of Relinquishment had remained his Vassal.

Application of Price of entailed Superiorities.

XXV. Where the Right of Superiority so relinquished shall form Part of an Estate held under a Deed of strict Entail, such Relinquishment shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding; and the Price agreed to be paid for such Superiority so relinquished, if any, shall be consigned by the Vassal in One of the Chartered Banks in *Scotland*, subject to the Orders of the Court of Session, and shall be applicable and applied in such and the like Manner and to such and the like Purposes as Purchase Money or Compensation coming to Parties having limited Interests is made applicable, under the Lands Clauses Consolidation (*Scotland*) Act, 1845, or under the Act of the Eleventh and Twelfth *Victoria*, Chapter Thirty-six, intituled *An Act for the Amendment of the Law of Entail in* Scotland, or under an Act of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty for the Amendment of the Law of Entail in* Scotland; and for that Purpose it shall be competent to the Heir of Entail in possession to present a summary Petition to the Court of Session, praying to have the Price so applied, and such Petition shall set forth the Names, Designations, and Places of Abode of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail; and on such Petition being served on such Parties, and being intimated in the Minute Book and on the Walls in common Form, it shall be competent for the Court to direct the Price to be applied to such of the said Purposes as may appear to them to be most expedient: Provided always, that where the Sums agreed to be paid for all the Superiorities which form Part of an entailed Estate shall not exceed the Sum of Two hundred Pounds such Sums shall belong to the Heir in possession, and the Court shall direct such Sums to be paid to him: Provided also, that the Price of such Superiorities may be applied by the Heir in possession to such Purposes and in such Manner as may be authorized by any Private Act of Parliament authorizing the Sale of the entailed Estate or any Portion thereof, and the Application of the Price thereof.

Price of Superiorities of entailed Lands may

XXVI. Where the Lands of which the Superiority is so relinquished shall be held by the Vassal under a Deed of strict Entail, the Vassal in such Lands shall be entitled and he is hereby authorized to grant a Bond and Disposition in Security over

over the entailed Estate for the full Amount of the Price paid for the relinquished Superiority, together with all Expenses incurred in the relative Proceedings, including the estimated Expense of such Bond and Disposition in Security, and his granting such Bond and Disposition in Security shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding: Provided always, that such Bond and Disposition in Security shall be granted with the Consent of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail of the Lands, or under the Authority of a Judicial Warrant or Decree of the Court of Session pronounced on a summary Petition by the Heir of Entail in possession praying for such Warrant; and the Proceedings under such Petition shall be the same or as nearly as may be the same as the Proceedings under a Petition to charge an entailed Estate with Provisions to younger Children, as authorized by the said Acts of the Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four: Provided always, that it shall not be necessary that such Petition should be publicly advertised in the Gazette or any Newspaper, but that Service and Intimation only shall be made in common Form.

be charged on the entailed Estate.

XXVII. In Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, it shall not be necessary to raise a separate Summons of Constitution and a separate Summons of Adjudication, but both Actions may be combined in One Summons, whether the Heir renounce the Succession or not; and Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation, for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of Six Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding; and in all such Cases a Decree of Adjudication shall be held equivalent to and shall have the legal Operation and Effect of a Conveyance from such Ancestor of the Lands adjudged in favour of the Adjudger, to be holden in the same Manner as the Ancestor held or might have held the same, except in the Case where the Subjects contained in the Decree of Adjudication are Heritable Securities, in which Case the Adjudger or other Party in right of the Decree on recording the Decree in the appropriate Register of Sasines

Diligence against Apparent Heirs.

Sasines shall be in the same Position as if an Assignation of such Heritable Securities had been granted in his Favour by the Ancestor whose Estate is adjudged, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of recording such Decree; but the Right of the Superior to the Composition payable by an Adjudger as due under the existing Law is hereby reserved entire, and the Adjudger by recording the Decreet of Adjudication in the Register of Sasines, and such Adjudger or any Person in his Right by expeding and recording in such Register a Notarial Instrument proceeding on such Decreet, with or without any connecting Title, in virtue of this Act, shall become indebted in such Composition to the Superior, and shall be bound to pay the same on the Superior tendering a Charter of Confirmation, whether such Charter shall be accepted or not, and the Superior shall be entitled to recover such Composition as accords of Law.

Prohibition against Subinfeudation not to be affected.

XXVIII. Where the Investiture of any Lands has imposed or shall impose a Prohibition against Subinfeudation or against alternative holding, nothing contained in this Act shall operate to authorize Subinfeudation or an alternative holding in respect to such Lands; and nothing in this Act contained shall be construed to take away or impair any of the Rights or Remedies competent to a Superior against his Vassal lying out unentered.

Obligations appointed to be inserted in Instruments of Sasine shall be inserted in Notarial Instruments.

XXIX. Where any Obligation, Burden, Condition, Qualification, or other Matter has been or shall be appointed to be inserted or referred to in the Instruments of Sasine or of Resignation *ad remanentiam* applicable to any Lands, such Obligation, Burden, Condition, Qualification, or other Matter shall be inserted or referred to in any Notarial Instrument applicable to such Lands to be expede in virtue of this Act.

Case of Party where Domicile is unknown.

XXX. Where a General Service only is intended to be carried through by an Heir, it shall not be necessary, if the Deceased died upwards of Forty Years prior to the Date of presenting the Petition for General Service as Heir to him, to state or prove the County within which the Deceased had his ordinary or principal Domicile at the Time of his Death, or that such Domicile was furth of *Scotland*; but in such Cases it shall be sufficient (so far as regards the Domicile of the Deceased) for the Heir to state in his Petition, and if required in the Court of Service to make Oath, that he is unable to prove at what Place the Deceased had his ordinary or principal Domicile at the Time of his Death: Provided always, that in every such Case the Petition for General Service as Heir to the Deceased shall be dealt with

with, and all relative Procedure shall be regulated, in or as nearly as may be in the same Manner as if it had been proved that the Deceased had at the Time of his Death his ordinary or principal Domicile furth of *Scotland*.

Power to record of new the Conveyance, &c. with the Original, or a new Warrant of Registration, &c.

XXXI. In case of any Error or Defect in any Notarial Instrument expede in virtue of the Act Eighth and Ninth *Victoria*, Chapter Thirty-five, or in any Notarial Instrument to be expede in virtue of that Act or of the present Act, or in the recording of any such Instrument, or of any Instrument of Resignation *ad remanentiam*, or in the recording of any Conveyance or Procuratory of Resignation *ad remanentiam* or Warrant of Registration to be recorded in the Register of Sasines in virtue of the present Act, it shall be competent of new to make and record a Notarial Instrument or Instrument of Resignation, or of new to record the Conveyance or Procuratory of Resignation with the original or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument or Instrument of Resignation so expede and recorded, or such Conveyance or Procuratory of Resignation so of new recorded with the original or new Warrant of Registration, as the Case may require, shall from the Date of recording thereof have the same Effect as if no previous Notarial Instrument or Instrument of Resignation had been expede or recorded, or as if such Conveyance or Procuratory of Resignation and original Warrant of Registration had not been previously recorded.

Not necessary to append Seal to Crown Charters.

XXXII. It shall not be necessary to append the Seal appointed by the Treaty of Union to be kept and used in *Scotland*, in place of the Great Seal thereof formerly in use, to any Charter from Her Majesty or Her Royal Successors, or the Seal of His Royal Highness the Prince and Steward of *Scotland* to any Charter from His Royal Highness or His Royal Successors, unless the Receivers of such Charters shall require the appropriate Seal to be appended; and in framing such Charters hereafter the Statement with reference to the Seal "that the same is accordingly appended" now in use to be inserted in the Testing Clause shall be omitted, except in Cases where the Seal is actually appended; and such Charters shall be in all respects as valid and effectual without the Seal as if the same had been appended thereto.

Recorded Instruments not to be challenged on the Ground of Erasures.

XXXIII. The Act of the Sixth and Seventh of His late Majesty King William the Fourth, Chapter Thirty-three, intituled *An Act to amend and regulate the Law of* Scotland *as to Erasures in Instruments of Sasine and of Registration* ad remanentiam, shall extend and be applicable to Notarial Instruments,

Instruments, and Instruments of Resignation *ad remanentiam* authorized by this Act, and to Notarial Instruments expede and to be expede under the Act of Eighth and Ninth of *Victoria*, Chapter Thirty-one.

Deeds and Instruments may be partly written and partly printed or engraved.

XXXIV. All Deeds, Writs, and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or engraved: Provided always, that in the Testing Clause the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed or Instrument, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed, Writ, or Instrument, and of the written Portions of the Testing Clause, shall be expressed at Length in Writing; and such Deeds, Writs, and Instruments shall be valid and effectual in the same Manner as if they had been wholly in Writing.

Extent of Act.

XXXV. This Act shall not extend or apply to the Titles of Lands held by Burgage Tenure, or by any similar Mode of Tenure known and effectual in Law.

Interpretation of Terms.

XXXVI. The following Words in this Act and in the Schedules annexed to this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include Original Charters, Charters and Writs of Resignation, Charters of Adjudication and of Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale and of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decrees by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed, and official Extracts of any such Deeds, Conveyances, and Decrees, and all Codicils, Deeds of Nomination, Decrees of Declarator, and other Writings bearing Reference to Conveyances separately granted, and naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Conveyances, shall be deemed and taken for the Purposes of this Act to be Parts of the Conveyances to which they separately bear Reference; the Word "Lands" shall extend to and include Lands, Houses, Teinds, Fishings, Patronages, Mills, Mines, Minerals, and in general all Heritable Subjects, Securities, and Rights; the Word "Instrument" shall extend to and include all Notarial Instruments authorized

authorized by this Act, and also Instruments of Sasine; the Words "Notarial Instruments" shall include only the Notarial Instruments authorized by this Act.

XXXVII. This Act may be cited for all Purposes as "The Titles to Land (*Scotland*) Act, 1858." Short Title.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration to be written on a Conveyance when presented without Assignation apart or Notarial Instrument.

Register on behalf of *A.B.* (*insert Designation*) [*or* Register, *&c.* along with Assignation (*or* Assignations) (*or* Writ of Resignation) hereon] (*or otherwise, as the Case may be*).

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
(*or, as the Case may be,*) Agent of the said *A.B.*

No. 2.

Warrant of Registration to be written on a Conveyance when presented with Assignation apart or Notarial Instrument.

Register on behalf of *A.B.* (*insert Designation*) along with the Assignation [*or* Assignations *or* Notarial Instrument] docketed with reference hereto (*or otherwise, as the Case may be*).

(Signed) *A.B.*,
[*or*] *C.D.*, W.S., Edinburgh,
(*or, as the Case may be,*) Agent of the said *A.B.*

SCHEDULE (B.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be,*] granted by *C.D.* of *Y.*, Esquire, and bearing Date [*insert the*

the Date], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be*, to the said *A.B.*] [*or* to *E.F.*], and his Heirs and Assignees [*insert the Destination, if any,*] heritably and irredeemably [*or* redeemably, *or* in Life-rent, *or otherwise, as the Case may be,*] all and whole [*here insert the Description of the Subjects conveyed; and if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here*], "but always "under the Burden of a Real Lien," &c. [*as the Case may be*]. [*If the Party expeding the Instrument be other than the original Disponee, add*] as also there was presented to me [*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right*], whereupon this Instrument is taken by the said *A.B.* in the Hands of *G.H.* [*insert Name and Designation of Notary Public*], in the Terms of "The Titles to Land (Scotland) "Act, 1858." In witness whereof [*here insert a Testing Clause, as in Instrument of Sasine*].

(Signed) *G.H.*,
Notary Public.

I.K. Witness.
L.M. Witness.

SCHEDULE (C.)

Clause of Direction specifying Part of Deed which Grantor desires to be recorded.

And I direct to be recorded in the Register of Sasines the Part of this Deed from its Commencement to the Words (*insert Words*) on the Line of the Page [and also the Part from the Words (*insert Words*) on the Line of the Page to the Words (*insert Words*) on the Line of the Page] [*or* I direct the whole of this Deed to be recorded in the Register of Sasines with the Exception of the Part] [*or* Parts, *as the Case may be, specifying the Part or Parts excepted, as above*].

SCHEDULE (D.)

Instrument of Resignation ad remanentiam.

At there was by [*or*, on behalf of,] *A. B.* [*here insert the Name and Designation of the Superior*] presented to me, Notary Public subscribing, a Disposition, dated the Day of , granted by *C.D.*, [*here*

[*here insert the Name and Designation of the Vassal,*] being the Vassal in the Lands after described, holding the same of the said *A.B.* as his Superior thereof, by which Disposition the said *C.D.* disponed to the said *A.B.*, and his Heirs and Assignees whomsoever, [*or, as the Case may be,*] all and whole [*here insert Description of the Lands*]: In virtue of which Disposition the said Lands were resigned in the Hands of the said *A.B.* [*or*, " in the Hands of *E.F.*, as his Commissioner, duly autho- " rized,] conform to Commission " [*describe by Date and other Particulars* " as in the Hands of the said *A.B.* himself "] [*or*, " in the Hands of *E.F.*, being the known Agent of the said *A.B.*, " and as such duly authorized, in virtue of the Act of the Eighth " and Ninth Years of the Reign of Her Majesty Queen Vic- " toria, Chapter Thirty-five, intituled ' An Act to simplify the " ' Form and diminish the Expense of obtaining Infeftment in " ' Heritable Property in Scotland,' as in the Hands of the said " *A.B.* himself,"] ad perpetuam remanentiam, and to the Effect that the Right of Property of the foresaid Lands and others might be united and consolidated with the Right of Superiority of the same in the Person of the said *A.B.* in all Time coming: Whereupon this Instrument is taken by [*or* " on behalf of] the said *A.B.* and *C.D.*," in the Hands of me, *&c.*, as in Schedule (B.).

SCHEDULE (E.)

Crown Writ of Confirmation.

Victoria, *&c.* We confirm this Deed [*or* Decree, *or* Instrument, [*or otherwise, as the Case may be,*] in favour of *C.D.*, but only in so far as consistent with the [*here specify a Charter or other Writ, containing the Tenendas and Reddendo, &c.*], and with Our own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ, specify it here.*] Given at Edinburgh, the Day of in the Year .

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Confirmation is to be granted by or on behalf of the Prince or Steward of Scotland, his Highness' other Titles need not be added.

SCHEDULE (F.)

Crown Writ of Resignation.

Victoria, *&c.* We, in respect of the within Clause of Resignation,

nation, dispone to *C.D.* the Lands contained in this Deed in his Favour [*or* in favour of *A.B., or otherwise, as the Case may be, specifying shortly the connecting Title*], but only in so far as consistent with the [*here specify a Charter or other Writ containing the Tenendas and Reddendo, &c.*] and with Our own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ, specify it here.*] Given at Edinburgh, the Day of in the Year .

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Resignation is granted by or on behalf of the Prince or Steward of Scotland, his Highness' other Titles need not be added.

SCHEDULE (G.)

Crown Writ of Clare constat.

Victoria, *&c.* Whereas by Decree of General Service, *or* "of "Special Service," *as the Case may be*, of *A.B.* [*here insert the Name and Designation of the Heir*], dated [*here insert the Date of the Decree*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents, it clearly appears that *C.D.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in [*here describe the Lands, &c., and where there are Conditions of Entail, insert them, or make a competent Reference to them, and in Entails with Clause of Registration as instead of the irritant and resolutive Clauses, or of the prohibitory, irritant, and resolutive Clauses, refer to the Clause of Registration, and in all Entail Cases describe the Deed of Entail or other Deed of Provision by Date and Date of Registration, and insert or competently refer to the Destination, and where there are any other Burdens or Qualifications insert or make a competent Reference to them.*] And that in virtue of [*here describe the Charter or Precept and Sasine, or recorded Charter or Precept, or other Writ or Writs forming the last Investiture, by Dates and Dates of Registration.*] And that the said *A.B.* is eldest Son and nearest and lawful Heir of the said *C.D.* [*or whatever Relationship and Character of Heir the Party holds, here state it.*] Therefore we hereby declare the said *A.B.* to be the Heir entitled to succeed to the said *C.D.* in the said Lands to be holden of Us and Our Royal Successors, in manner and for Payment of the Duties specified in the [*here specify a Charter or other Writ containing the Tenendas*

Tenendas and Reddendo. If the Reddendo is different from that in the Charter or other Writ, specify it here.]

Given at Edinburgh, the Day of in the Year .

(*Signed by the Director of Chancery or his Depute or Substitute.*)

Note.—When the Precept is to be granted by or on behalf of the Prince and Steward of Scotland, his Highness' other Titles need not be added.

SCHEDULE (H.)

Notarial Instrument in favour of a General Disponee, or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasine and Date of recording*], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y.* was vest in all and whole [*here describe the Lands*]; as also there was presented to me a general Disposition [*or other Deed, or* an Extract of a Deed], granted by the said *C.D.*, and bearing Date [*here insert Date*], by which general Disposition the said *C.D.* gave, granted, and disponed [*or otherwise, as the Case may be,*] to the said *A.B.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], heritably and irredeemably [*or* in Liferent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate of which he was [*or* might die] possessed. [*If the Deed be granted under any Real Burden or Condition or Qualification, add here,* "but always under "the Burden of the Real Lien, *&c.;*" *and if the Deed be granted in trust, or for specific Purposes, add,* "but always in "trust *or* for the Uses and Purposes mentioned in said Deed." *If the Party expeding the Instrument be other than the original Disponee, add,* "as also there was presented to me" (*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right.*)] Whereupon, *&c., as in Schedule* (*B.*)

SCHEDULE (I.)

No. 1.

Assignation of an unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may*

may be], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed*], granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title and the Nature and Extent of the Right conveyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

SCHEDULE (K.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance to be recorded along with the Conveyance.

At there was by [*or* on behalf of] *A.B.*, of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.* of *Y.*, Esquire, and bearing Date [*insert Date*], by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded in the Register of Sasines along with this Instrument; as also there was presented to me [*here specify the Title or Series of Titles by which A.B. acquired Right, and the Nature and Extent of his Right*], whereupon, *&c., as in Schedule (B.)*

(Signed) *G.H.*,
Notary Public.

I. K., Witness.
L. M., Witness.

SCHE-

SCHEDULE (L.)

No. 1.

Clause of Reference to particular Description contained in a prior Deed.

[*After giving the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and of the Parish or supposed Parish, add*] "as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year ," [*or* "as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*," *or as the Case may be.*] [*If Part only of Lands is conveyed, describe such Part, and add* "being Part of the Lands particularly described, *&c.*;" *or thus,* "as particularly described, *&c.*, with the Exception of," *and describe the Part excepted*].

No. 2.

Clause of Reference to Conveyance, containing General Designation of Lands.

[*After giving the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and Parish or supposed Parish, add*] "as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines,* on the Day of in the Year , and in which the Lands herein contained are declared to be designed and known by the said Name of" [*here insert Name,*] [*or* "as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*, and in which the Lands herein contained are declared, *&c.*"] [*If Part only of Lands is conveyed, then follow Form for similar Case given in Schedule (I.) No.* 1.]

No. 3.

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] "and to the other Heirs specified and contained

contained in a Disposition and Deed of Entail of the said Lands executed by the deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year ," [*or* "in the said Disposition and Deed of Entail dated and recorded as aforesaid," *or* "in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year "].

SCHEDULE (M.)

Notarial Instrument in favour of a Trustee in a Sequestration, or of Liquidators of Joint Stock Companies.

At there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestered Estate of *C.D.* [*or*, as Liquidator for winding up the (*specify Name of Company*)], presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c., specify the Title or Series of Titles by which the Bankrupt held the Lands*]; as also there was presented to me an Extract Act and Warrant of Confirmation in favour of the said *A.B.*, dated [*insert Date*] [*or here specify the Appointment of the Liquidator or Liquidators, and the Date thereof*]. Whereupon this Instrument, [*&c., as in Schedule* (*B*)].

SCHEDULE (N.)

No. 1.

Deed of Relinquishment of Superiority.

I *A.B.*, immediate lawful Superior of all and whole [*here describe the Lands*], do hereby absolutely and gratuitously [*or* in consideration of the Sum of Pounds paid to me, *or*, *if the Superiority is entailed*, " consigned in the (*specify Bank*) subject to the Orders of the Court of Session,"] relinquish and renounce my Right of Superiority of the said Lands in favour of *C.D.*, my immediate Vassal, and his Successors therein, and declare that the said Lands shall no longer be held of me as Superior, but shall be held of my immediate lawful Superior in all Time to come. In witness whereof [*here insert usual Testing Clause*].

No. 2.

No. 2.

Acceptance by Vassal written on Deed of Relinquishment.

I *C.D.*, the immediate Vassal in the Lands described in this Deed, accept the Relinquishment of the Superiority of the said Lands. In witness whereof [*here insert usual Testing Clause*].

No. 3.

Crown Writ of Investiture written on Deed of Relinquishment.

Victoria, *&c.* We, lawful Superior of the Lands contained in this Deed, accept and receive *C.D.*, and his Heirs and Successors whomsoever, [*or otherwise, according to the Destination contained in the Title to the Lands,*] in place of *E.F.*, and his Heirs and Successors, in virtue of the above Deed of Relinquishment, and Acceptance thereof. To be holden the said Lands by the said *C.D.* and his foresaids [*specify the Tenendas and Reddendo contained in the Titles of the relinquished Superiority, also insert or competently refer to the Conditions and Limitations, if any, under which the Lands are held by the Vassal as in Writ of Clare constat*]. Given at Edinburgh, the Day of in the Year .

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Investiture is to be granted by or on behalf of the Prince or Steward of Scotland, His Highness' other Titles need not be added.

CAP. LXXVII.

An Act to amend and extend the Settled Estates Act of 1856.—[2*d* August 1858.]

(*This Act does not extend to Scotland.*)

CAP. LXXVIII.

An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases.—[2*d* August 1858.]

WHEREAS it is expedient that the Evidence taken before the Committees of either House of Parliament on a Private Bill should be available, if desired, before the Committee

mittee of the other House to which the same Bill is referred, and that for this Purpose the Committees of the House of Commons on Private Bills should be enabled to administer an Oath to the Witnesses examined before them; and it is also expedient for the Convenience of the House of Lords that the Committees of that House should be enabled to administer an Oath to the Witnesses examined before them, instead of such Witnesses being as heretofore sworn at the Bar of the House: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Select Committees of House of Commons may examine Witnesses upon Oath, and administer the same.

I. Any Select Committee of the House of Commons to which any Private Bill has been referred by the House may examine Witnesses upon Oath upon Matters relating to such Bill, and for that Purpose may administer an Oath to any such Witness.

Any Committee of H. L. may administer Oath.

II. Any Committee of the House of Lords may administer an Oath to the Witnesses examined before such Committee.

False Evidence Perjury.

III. Any Person examined as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury.

CAP. LXXIX.

An Act to amend the Law relating to Cheques or Drafts on Bankers.—[2*d* August 1858.]

WHEREAS it is expedient to amend the Law relating to Cheques or Drafts on Bankers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Crossing to be deemed a material Part of a Cheque or Draft, &c.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and, except as hereafter mentioned, shall not be obliterated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker.

II. Whenever

The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same with the Name of a Banker.

II. Whenever any such Cheque or Draft shall have been issued uncrossed, or shall be crossed with the Words "and Company" or any Abbreviation thereof, and without the Name of any Banker, any lawful Holder of such Cheque or Draft, while the same remains so uncrossed, or crossed with the Words "and Company" or any Abbreviation thereof, without the Name of any Banker, may cross the same with the Name of a Banker; and whenever any such Cheque or Draft shall be uncrossed, any such lawful Holder may cross the same with the Words "and Company" or any Abbreviation thereof, with or without the Name of a Banker; and any such Crossing as in this Section mentioned shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the making thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed as last aforesaid.

Persons obliterating, &c. Crossing with Intent to defraud, guilty of Felony.

III. If any Person shall obliterate, add to, or alter any such Crossing with Intent to defraud, or offer, utter, dispose of, or put off with Intent to defraud, any Cheque or Draft on a Banker, whereon such fraudulent Obliteration, Addition, or Alteration has been made, knowing it to have been so made, such Person shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to such other Punishment as is enacted and provided for those guilty of Forgery of Bills of Exchange in the Statute in that Case made and provided.

Banker not to be responsible for paying a Cheque which does not plainly appear to have been crossed or altered.

IV. Provided always, That any Banker paying a Cheque or Draft which does not at the Time when it is presented for Payment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any Liability, nor shall such Payment be questioned by reason of such Cheque having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, and of his having paid the same to a Person other than a Banker, or other than the Banker with whose Name such Cheque or Draft shall have been so crossed, unless such Banker shall have acted *malâ fide*, or been guilty of Negligence in so paying such Cheque.

Interpretation of the Word "Banker."

V. In the construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

CAP. LXXX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[2*d* August 1858.] (England.)

CAP. LXXXI.

An Act for confirming a Scheme as amended of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead, *in the County of* Lincoln.—[2*d* August 1858.]

CAP. LXXXII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland : *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia ; and to authorize the Employment of the Non-commissioned Officers.*—[2*d* August 1858.]

CAP. LXXXIII.

An Act to make Provision for the better Government and Discipline of the Universities of Scotland, *and improving and regulating the Course of Study therein ; and for the Union of the Two Universities and Colleges of* Aberdeen.—[2*d* August 1858.]

WHEREAS it is expedient for the Advancement of Religion and Learning to make Provision for the better Government and Discipline of the Universities in *Scotland, viz.*, the

the Universities of *St Andrew's, Glasgow, Aberdeen,* and *Edinburgh,* and for improving and regulating the Course of Study therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

King's College and Marischal College, Aberdeen, to be united under the Title of "University of Aberdeen."

I. From and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and *King's College* of *Aberdeen*" and "*Marischal College* and University of *Aberdeen*" shall be united and incorporated into One University and College, in all Time coming thereafter, under the Style and Title of the "University of *Aberdeen;*" and the said united University shall take rank among the Universities of *Scotland* as from the Date of Erection of *King's College* and University, viz., the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the "University and *King's College,*" or to "*Marischal College* and University," shall in Time coming thereafter pertain and belong to the "University of *Aberdeen.*"

Appointment of Chancellors.

II. The Chancellor of each of the Universities of *St Andrew's, Glasgow,* and *Aberdeen* shall be elected by the other Members of the General Council herein-after mentioned; and in Time coming there shall be a Chancellor of the University of *Edinburgh,* to be elected in like Manner: Provided always, that the present Chancellors of *Saint Andrew's* and *Glasgow* shall continue in Office for Life, and the present Chancellor of the University and *King's College* of *Aberdeen,* and the present Chancellor of *Marischal College* and University of *Aberdeen,* shall, during their joint Lives, be joint Chancellors of the University of *Aberdeen,* and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life; the Chancellor in each University shall have Power to appoint a Vice-Chancellor, who may in the Absence of the Chancellor discharge his Office in so far as regards conferring Degrees, but in no other respect.

Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs

III. The Principals in the Universities of *Glasgow, Aberdeen,* and *Edinburgh,* appointed in Time to come, shall not, as such, be or be deemed Professors of Divinity, nor shall it be a valid Objection to any Person appointed to the Office of Principal in any of the said Universities that he is a Layman, and no such Office of Principal therein shall fall under or be included in the Terms "Chair of Theology" as used in an Act passed in the Sixteenth

of Theology."

16 & 17 Vict. c. 89.

Sixteenth and Seventeenth Years of the Reign of Her Majesty Queen *Victoria* (Chapter Eighty-nine), intituled *An Act to regulate Admission to the Lay Chairs in the Universities of* Scotland.

University Courts to be constituted.

IV. From and after the Date or Dates at which this Act shall come into operation, as herein-after provided, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be the ordinary President, with a deliberative and a casting Vote.

Powers of the Senatus Academicus and Principal.

V. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act, and shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court, as herein-after provided; One Third of the Senatus shall be a Quorum; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall be bound to undertake and perform such Duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the Continuance of their Powers, and thereafter by the University Court.

General Councils of the Universities to be constituted.

VI. There shall be in each University a General Council consisting of the Chancellor, of the Members of the University Court, from and after their First Election, of the Professors, of all Masters of Arts of the University, of all Doctors of Medicine of the University who shall have, as Matriculated Students of the University, given regular Attendance on Classes in any of the Faculties in the University during Four complete Sessions, and also of all Persons who within Three Years from and after the passing of this Act shall establish to the Satisfaction of the Commissioners herein-after appointed that they have, as Matriculated Students, given regular Attendance on the Course of Study in the University for Four complete Sessions, or such regular Attendance for Three complete Sessions in the University, and regular Attendance for One such complete Session in any other *Scottish* University, the Attendance for at least Two of such Sessions having been on the Course of Study in the Faculty of Arts: Provided that no Person shall be a Member of the General Council until he has attained the Age of Twenty-one Years complete, and has his Name registered in a Book to be

be kept for the Purpose by each University, which shall be done on Payment of such annual Fee as shall be fixed by the said Commissioners; and provided also, that no Person shall be a Member of the General Council while he is a Student enrolled in any Class of the University; and the said General Council shall assemble twice every Year, on such Days as may be fixed by the Commissioners herein-after appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, with the Approval of the University Court, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon.

General Council of the University of Aberdeen to consist of Persons herein named.

VII. The General Council of the University of *Aberdeen* shall consist of the Chancellors or Chancellor, of the Members of the University Court, of the Professors, and of all such Graduates and Students as is herein above provided in regard to the other Universities, whether they be Graduates and Students of the University and *King's College* or of *Marischal College* and University.

St Andrew's.

University Court, of whom to consist.

VIII. The University Court of the University of *Saint Andrew's* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners herein-after appointed;
2. The Senior Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum; and the Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Glasgow.

University Court, of whom to consist.

IX. The University Court of the University of *Glasgow* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting

voting by Nations as at present, subject to any Re-distribution of Nations or other Regulations to be made by the Commissioners;

2. The Principal;
3. The Dean of Faculties;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council of the University;
7. An Assessor to be elected by the Senatus Academicus:

Neither the Rector nor any of the Assessors, with the Exception of the Assessor to be elected by the Senatus Academicus, shall be a Principal or Professor of any University. The Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and Five Members of the University Court shall be a Quorum; and the Rector and Dean of Faculties and Minister of *Glasgow* shall no longer exercise any Right or Power as ordinary Visitors of the College of *Glasgow* other than is or may be conferred on any of them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

X. The University Court of the University of *Aberdeen* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting according to the present Usage in *Marischal College*, but subject to any Regulations as to voting to be made by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council of the University;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum. The Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Edinburgh.

University Court, of whom to consist.

XI. The University Court of the University of *Edinburgh* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;

4. The

4. The Lord Provost of *Edinburgh* for the Time being;
5. An Assessor to be nominated by the Lord Provost, Magistrates, and Town Council of *Edinburgh;*
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University;
8. An Assessor to be elected by the Senatus Academicus:

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus: And the Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years, and Five Members of the University Court shall be a Quorum.

Powers of University Courts.

XII. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers; *viz.*,

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor; provided that all such proposed Improvements shall be submitted to the University Council for their Consideration:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of Teaching and other Duties imposed on the Professors;
4. To fix and regulate from Time to Time the Fees in the several Classes:
5. Upon sufficient Cause shown, and after due Investigation, to censure a Principal or Professor, or to suspend him from his Office and from the Emoluments thereof, in whole or in part, for any Period not exceeding One Year, or to require him to retire from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the Teaching of his Class: Provided always, that no such Sentence of Censure, Suspension, or Deprivation, or Requisition on a Professor to retire from Office, shall have any Effect until it has been approved by Her Majesty in Council:
6. To inquire into and control the Administration by the Senatus Academicus or Principal and Professors of any College of the Revenue, Expenditure, and all the pecuniary

niary Concerns of the University and of any College therein, including Funds mortified for Bursaries and other Purposes.

Right of Nomination to Professorships vested in University Courts.

XIII. The Right of Nomination or Presentation to any Professorships within any of the said Universities in Time past, and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in manner herein-before provided; and the Right of Nomination or Presentation to the Office of Principal and to all Professorships in the University of *Edinburgh* in Times past, and presently exercised by the Town Council of *Edinburgh*, or by One or more of the Members thereof, either by themselves or conjointly with others, shall be transferred from the said Town Council or Members thereof to and in all Time coming be exercised by Seven Curators to be nominated as follows: Within Two Months from and after the Date at which this Act shall come into operation, as hereinafter provided, the Town Council shall nominate Four Curators, and the University Court of the said University shall nominate the remaining Three Curators, and the Curators shall continue in Office for Three Years; and in the event of Vacancies in the Office of Curator occurring from Death, Resignation, or any other Cause, the Vacancies shall, as respects the Four Nominations made by the Town Council, be filled up by the Town Council, and shall, as respects the other Nominations, be filled up by the University Court.

Appointment of Commissioners.

XIV. The following Persons, (that is to say,) his Grace *John George Douglas Campbell* Duke of *Argyll*, the Right Hon. *George Hamilton Gordon* Earl of *Aberdeen*, the Right Honourable *Philip Henry Stanhope* Earl *Stanhope*, the Right Hon. *William David Murray* Earl of *Mansfield*, the Right Hon. *Duncan McNeill* Lord Justice General and Lord President of the Court of Session, Sir *William Gibson Craig* of *Riccarton*, Baronet, *John Inglis* Esquire, Lord Justice Clerk for *Scotland*, *James Crauford* Esquire, One of the Senators of the College of Justice, *William Stirling* Esquire, of *Keir*, *James Moncrieff* Esquire, *Alexander Hastie* Esquire, and *Alexander Murray Dunlop* Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and Four of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his Absence One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote. If any Vacancy occurs

occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy by Warrant under the Sign Manual. The Powers hereby conferred on the Commissioners shall be in Force until the First Day of *January* One thousand eight hundred and sixty-two; and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and sixty-three, and no longer.

Her Majesty may fill up Vacancies.

Declaration of Powers of Commissioners.

XV. The Commissioners shall possess and exercise the following Powers; *viz.*,

Powers of Commissioners:

1. To call before them the respective Principals, Professors, Regents, Masters, and others bearing Office in the said Universities and the Colleges therein respectively; *viz.*, the University of *St Andrew's*, the University of *Glasgow*, the University and *King's College* of *Aberdeen*, the University of *Edinburgh*, *Marischal College* and University of *Aberdeen*, and to examine them as to all Rules and Ordinances now in Force in the said Universities, and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges:

To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further, if in the Case of any such Gift or Endowment which has taken effect for more than Fifty Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor, so far as is consistent with the Promotion of such Interests, may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof:

To revise the Foundations, &c., and to alter Trusts;

3. Subject to the Provisions of this Act, to regulate by Ordinance the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings,

To regulate the Powers of Office Bearers;

Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices:

To regulate Elections of University Officers;

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected:

To regulate Course of Study, Exaction of Fees, &c.;

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students shall be admitted thereto, the Course of Study, and Manner of Teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of *Scotland*:

To make Ordinances in order to found Professorships and provide for Assistants;

6. To make Ordinances in order to found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised:

To provide for the due Administration of Revenues and Endowments;

7. To make such Provision by Ordinance as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities and Colleges, and for the better Custody and Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein:

8. To provide by Ordinance, as the Commissioners shall judge

judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University or College, for the Payment and Extinction of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively : To provide for the Extinction of Debt;

9. To provide by special Ordinance, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation : To fix Date when Act to come into operation;

10. To inquire and report to Her Majesty how far it may be practicable and expedient that a new University should be founded, to be a National University for *Scotland* : To report on Expediency of founding a National University;

11. In the event of the Erection of such an University, to make Arrangements, with Consent of the *Scottish* Universities named in this Act, or any of them, for converting them respectively into Colleges, One or more, as the Case may be, of the said National University, and for the due Representation of such Colleges in the Governing Body thereof : To make Arrangements for converting Universities into Colleges of the said National University.

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners shall be published in the *Edinburgh Gazette* for Four consecutive Weeks, and shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council ; and it shall be lawful for any University or any College, and for the Trustees or Patron of any Foundation, Mortification, Bursary, or Endowment, or for any other Person directly affected by any such Rule, Statute, or Ordinance, within One Month after the last Publication thereof in the Gazette, to petition Her Majesty in Council to withhold Her Approbation of the whole or any Part thereof, and it shall be lawful for Her Majesty in Council to refer such Petition to the Commissioners, and to direct that they shall hear the Petitioner or Petitioners by Counsel, and report specially to Her Majesty in Council on the Matter of the said Petition ; and it shall be lawful for Her Majesty, by Order in Council, either to declare Her Approbation of any such Rule, Statute, or Ordinance, in whole or in part, or to signify Her Disapproval thereof, in whole or in part, and in case of such Disapproval the Commissioners may proceed to frame other Statutes or Ordinances in that Behalf, subject to the like Provisions and Conditions as are herein-before enacted ; and no such Rule, Statute, or Ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved : Provided also, that each of the said Universities shall be governed and conducted according to the existing Law and

and Practice, until the Commissioners shall have made and published, with reference to such University, an Ordinance providing at what Date this Act shall come into operation, and such Ordinance shall have been approved of by Her Majesty, as herein-before provided.

Scottish Universities may surrender Power of granting Degrees on Grant of Charter for a National University.

XVI. If Her Majesty shall be pleased, at any Time within the Duration of the Commission, to grant a Charter for the Foundation of a National University for *Scotland*, the *Scottish* Universities named in this Act, or any of them, may, if they shall think fit, surrender to the Commissioners the Powers of examining for and of granting Degrees, with or without the Exception of Degrees in Theology, and to become Colleges, One or more, as the Case may be, of the said National University.

No such Surrender &c. to be valid unless signified in Writing by the Chancellor, &c.

XVII. No such Surrender or Consent as is herein-before mentioned of any *Scotch* University named in this Act, with a view to becoming a College or Colleges of a National University for *Scotland*, shall be valid, except it be signified in Writing by the Chancellor and by the University Court of the University concerned therein, nor except it be declared by the said Court that the said Surrender or Consent respectively is given with the Approval of the Senatus Academicus, and likewise of the University Council.

Powers of Commissioners as to University of Aberdeen:

XVIII. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of *Aberdeen*, possess and exercise, subject to the Provisions of this Act, the following Powers:

To determine Number of Professors, and regulate Course of Study;

1. To make Ordinances in order to determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural Philosophy, and a Professor of Natural History; or, in the Discretion of the Commissioners, Two Professors in any One or more of such Branches of Instruction in the Faculty of Arts, if it shall appear to be necessary or expedient, with Power to the said Commissioners to determine where the Classes of each of the said Professors shall assemble; in the Faculty of Divinity there shall be Professors of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Institutes of Medicine, of the Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of

of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

2. To make Ordinances in order to abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships, making full Compensation to the Holders of such Offices for all Loss of Emoluments consequent on such Abolition or Conjunction of Offices; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation, or Deprivation of any of the present Incumbents, to any of the following Purposes within the said University; (that is to say,) To abolish Offices rendered unnecessary by the Union, &c.;

1. For providing retiring Allowances to aged and infirm Principals and Professors:

2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established:

3. For providing Remuneration to the Examiners appointed in pursuance of this Act:

4. For increasing the Salaries presently attached to such Professorships, and any other Offices in the University:

5. For the Endowment of new Professorships;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements for giving reasonable Compensation to such Persons for Loss of Emoluments by such Resignation, or for the Appointment of such Incumbents to other Professorships or other Offices in the said University; To accept Resignations, &c.;

4. To make Ordinances in order to determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage; To determine Right of Patronage;

5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of *King's College* and *Marischal College* respectively shall be appropriated; To arrange as to Buildings of united Colleges;

6. To

To make all necessary Rules, &c.

6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published, laid before Parliament, and approved, in like Manner, and shall be subject to the same Provisions and Conditions in all respects, as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

Power to University Court to alter or revoke Statutes passed by Commissioners after Expiration of their Powers.

XIX. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners, as herein-before provided, may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty in Council.

Instructions issued by Her Majesty to be considered by Commission.

XX. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command.

How Parliamentary Grant to be applied.

XXI. The Commissioners of Her Majesty's Treasury shall be empowered to pay out of such Moneys as may be provided by Parliament for the Purpose, by Four equal Quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, such Sums of Money as the Commissioners herein appointed shall recommend to be paid for any One or more of the following Purposes; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors;
2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;
3. For providing Remuneration to the Examiners appointed in pursuance of this Act;
4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;
5. For the Endowment of new Professorships:
6. For providing full Compensation to the present Holders of Professorships or other Offices for the loss of Emoluments

ments consequent on the Abolition or Conjunction of such Professorships or other Offices in the present Universities and Colleges of *Aberdeen :*

And it is hereby provided that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time see fit to prescribe in reference thereto : Provided always, that all Rules, Statutes, and Ordinances providing for or affecting the Application or Distribution of such Sums of Money shall be laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council ; and no such Rule, Statute, or Ordinance shall be effectual until it has been so laid before Parliament and approved of by Her Majesty.

Power to Treasury to grant Moneys for Purposes herein named.

XXII. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be provided by Parliament for that Purpose, such Sums as shall to them appear necessary for the following Purposes ; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury ;
2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same ;
3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland.

XXIII. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of *Scotland ; viz.*, a Commission issued by His Majesty King *George* the Fourth on the Twenty-third Day of *July* One thousand eight hundred and twenty-six, renewed by His Majesty King *William* the Fourth on the Twelfth Day of *October* One thousand eight hundred and thirty ; a Commission issued by His Majesty King *William* the Fourth on the Twenty-third Day of *November* One thousand eight hundred and thirty six, re-appointed by Her present Majesty on the Second Day of *October* One thousand eight hundred

dred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of *April* One thousand eight hundred and fifty-seven.

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners.

XXIV. All Rules, Statutes, and Ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a Book or Books to be signed by the Commissioners or their Quorum, and such Book or Books shall, on the Expiration of the Powers of the Commissioners, be lodged with Her Majesty's Clerk Register for *Scotland*, and shall be preserved among the Public Records, and a Duplicate shall be sent to each of the said Universities of the Rules, Statutes, and Ordinances applicable thereto, and such Rules, Statutes, and Ordinances shall be observed until the same be altered in manner herein-before provided.

Ministers may sue and be sued under Titles herein named.

XXV. The said Universities may sue and be sued under the Style and Title of "The University of *St Andrew's*," "The University of *Glasgow*," "The University of *Aberdeen*," and "The University of *Edinburgh*," respectively.

No Distinction to be henceforward recognized among Professors of Glasgow University.

XXVI. From and after the passing of this Act no Distinction shall be recognized among the Professors of the University of *Glasgow*, but the whole Professors thereof admitted to Chairs heretofore established or which may hereafter be established therein shall be deemed to be and shall be Professors of the University and College of *Glasgow*, and shall all equally exercise the whole Rights and Functions which have heretofore been exercised by any Portion of such Professors: Provided always, that no Claim is hereby given to any Participation in the Income or Emoluments already appropriated to existing Chairs in the said University and College.

Nothing in this Act to affect certain Trusts.

XXVII. Nothing in this Act contained shall be construed to affect any Trusts now vested in and administered by the Senatus Academicus of any University or College, or in the Principal and Professors, or any of them, for Purposes unconnected with such University or College; and any such Trusts as are now held and administered by the Senatus Academicus, or the Principal and Professors of the University and *King's College* of *Aberdeen*, or of *Marischal College* and University, for Purposes unconnected with such Universities and Colleges, shall from and after the Date at which this Act shall come into operation, as regards the University of *Aberdeen*, be vested in and administered by the Senatus Academicus of the University of *Aberdeen*; and any Trust now administered, in whole or in part, by the Principal of either of the said Universities and Colleges, or by any Professor or Professors thereof, shall from and after the Date aforesaid be in like Manner administered, in whole or in part, by the Principal of the University of *Aberdeen*,

or,

or, as the Case may be, by the Professor or Professors who in the said University shall hold the same Professorship as the said Professor or Professors of *King's College* or *Marischal College* respectively.

CAP. LXXXIV.

An Act for enabling the Commissioners of Public Works in Ireland *to acquire certain Lands and Houses for the Site of a new Court or Courts, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of* Dublin; *and for other Purposes.*—[2*d* August 1858.]

CAP. LXXXV.

An Act to continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom.—[2*d* August 1858.]

CAP. LXXXVI.

An Act further to continue an Act to authorize the embodying of the Militia.—[2*d* August 1858.]

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, it was enacted, that it should be lawful for Her Majesty, and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, respectively, at any Time after the passing of that Act, and before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in *England*, *Scotland*, and *Ireland* to be drawn out and embodied in like Manner as in the respective Cases in which such Militias were then by Law authorized to be drawn out and embodied: And whereas by an Act of the present Session of Parliament the first-mentioned Act has been continued until the Twenty-fifth Day

20 & 21 Vict. c. 82.

21 & 22 Vict. c. 4.

Day of *March* One thousand eight hundred and fifty-nine, and it is expedient that the said first-mentioned Act should be further continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of 20 & 21 Vict. c. 82. continued to 25th March 1861.

I. All the Powers and Provisions of the said Act shall be continued and shall have Effect as if the Twenty-fifth Day of *March* One thousand eight hundred and sixty-one had been mentioned therein instead of the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight.

CAP. LXXXVII.

An Act to continue and amend the Corrupt Practices Prevention Act, 1854.—[2*d* August 1858.]

17 & 18 Vict. c. 102.

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and amend the "Laws relating to Bribery, Treating, and undue Influence at "Elections of Members of Parliament;" and by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-four, the said first-mentioned Act was continued until the Tenth Day of *August* One thousand eight hundred and fifty-seven, and thenceforth to the End of the then next Session of Parliament: And whereas it is expedient that the said first mentioned Act should be further continued and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Travelling Expenses of Voters.

I. It shall be lawful for any Candidate, or his Agent by him appointed in Writing according to the Provisions of the first-mentioned Act, to provide Conveyance for any Voter for the Purpose of polling at an Election and not otherwise, but it shall not be lawful to pay any Money or give any valuable Consideration to a Voter for or in respect of his Travelling Expenses for such Purpose; provided always, that a full, true, and particular Account of all Payments made for such Conveyance, signed by the Candidate or his Agents, shall be delivered to the Election Auditor, with the Names and Addresses of the Persons

to

to whom such Payments have been made; and the Amount of such Account shall be included in the general Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor.

Section 34 of 17 & 18 Vict. c. 102. amended as to further Remuneration of Election Auditors.

II. And whereas by Section Thirty-four of the said first-mentioned Act the Election Auditor is entitled to receive, by way of Remuneration for his Services, Ten Pounds from each Candidate as and by way of First Fee, and a further Commission at the Rate of Two Pounds *per Centum* from each Candidate upon every Payment made by him for or in respect of any Bill, Charge, or Claim sent in to such Election Auditor as therein provided: The said further Commission shall be payable only upon any Payment made by the Candidate as aforesaid over and above the Sum of Two hundred Pounds: Provided always, that the Election Auditor shall not be entitled to receive for such First Fee and further Commission more than the Sum of Twenty Pounds in the whole from each Candidate.

Definition of Candidates.

III. So much of Section Thirty-eight of the said first-mentioned Act as defines the Words "Candidate at an Election" shall be repealed; and in the Construction of the said Act as amended by this Act the Words "Candidate at an Election," and the Words "Candidate at any Election," shall include all Persons elected to serve in Parliament at such Election, and all Persons nominated as Candidates at such Election, or who shall have declared themselves Candidates on or after the Day of the issuing of the Writ for such Election, or after the Dissolution or Vacancy in consequence of which such Writ shall have been issued: Provided that nothing herein contained shall be construed to impose any Liability on any Person nominated without his Consent.

Election Auditor not to act as Election Agent.

IV. It shall not be lawful for the Election Auditor of any Borough or County, or his Partner or Agent, to act as Election Agent, or as paid Agent in any Capacity, or Canvasser, for any Candidate for such Borough or County.

Duration of Act.

V. The said first-mentioned Act as amended by this Act shall continue in force until the Tenth Day of *August* One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament.

CAP. LXXXVIII.

An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend

amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, *and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.*—[2*d* August 1858.]

CAP. LXXXIX.

An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland. —[2*d* August 1858.]

55 G. 3. c. 69.

WHEREAS by an Act of the Fifty-fifth Year of His Majesty King *George* the Third, intituled *An Act to regulate Madhouses in* Scotland, Sheriffs of Counties are authorized to grant Licences for the Reception and Confinement of Lunatics, and have been in use to license separate Portions or Wards of Poorhouses for the Reception of Pauper Lunatics: And whereas by an Act passed in the last Session of Parliament, intituled

20 & 21 Vict. c. 71.

An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland, District Asylums are appointed to be erected for the Reception of Lunatics; and it is expedient that Provision should be made for the Custody of such Pauper Lunatics till such District Asylums shall be ready for their Reception: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Reception, &c. of Pauper Lunatics in Poorhouses.

I. It shall be lawful for the General Board of Commissioners in Lunacy for *Scotland* to grant to the Governors or Keepers of Poorhouses Licences for the Reception of Pauper Lunatics in Wards set apart for that Purpose, or in detached or separate Portions of such Poorhouses, and from Time to Time to renew or withdraw such Licences; and it shall also be lawful for Sheriffs of Counties to grant Orders for the Reception and Confinement of such Lunatics in the Wards or Portions of Poorhouses so set apart and licensed, subject always to such Rules, Regulations, and Restrictions as may be framed by the said General Board of Commissioners in Lunacy for the Reception and

and Treatment of Patients in such Wards or Portions of Poor-houses consistently with the Provisions of the said last-recited Act in regard to private Asylums.

II. This Act shall continue in force for Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and no longer. Term of Act.

CAP. XC.

An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.—[2*d* August 1858.]

WHEREAS it is expedient that Persons requiring Medical Aid should be enabled to distinguish qualified from unqualified Practitioners: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may for all Purposes be cited as "The Medical Act." Short Title.

II. This Act shall commence and take effect from the First Day of *October* One thousand eight hundred and fifty-eight. Commencement of Act.

III. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," herein-after referred to as the General Council, shall be established, and Branch Councils for *England*, *Scotland*, and *Ireland* respectively formed thereout as herein-after mentioned. Medical Council.

IV. The General Council shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say), Members of Council.

The Royal College of Physicians:
The Royal College of Surgeons of *England*:
The Apothecaries Society of *London*:
The University of *Oxford*:
The University of *Cambridge*:
The University of *Durham*:
The University of *London*:
The College of Physicians of *Edinburgh*:
The College of Surgeons of *Edinburgh*:
The Faculty of Physicians and Surgeons of *Glasgow*:
One Person chosen from Time to Time by the University of *Edinburgh* and the Two Universities of *Aberdeen* collectively:

One Person chosen from Time to Time by the University of *Glasgow* and the University of *Saint Andrew's* collectively:

One Person chosen from Time to Time by each of the following Bodies:

The King and Queen's College of Physicians in *Ireland*:
The Royal College of Surgeons in *Ireland*:
The Apothecaries Hall of *Ireland*:
The University of *Dublin*:
The Queen's University in *Ireland*:

And Six Persons to be nominated by Her Majesty with the Advice of Her Privy Council, Four of whom shall be appointed for *England*, One for *Scotland*, and One for *Ireland*; and of a President, to be elected by the General Council.

Provision in case the Universities of Glasgow, Aberdeen, and Saint Andrew's fail to appoint a Person to represent them.

V. If the said Universities of *Edinburgh* and *Aberdeen*, of *Glasgow* and *Saint Andrew's* respectively, shall not be able to agree upon some One Person to represent them in the Council, it shall be lawful for each One of the said Universities to select One Person; and thereupon it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to appoint One of the Persons so selected to be a Member of the said Council for the said Universities.

Branches of the Council for England, Scotland, and Ireland.

VI. The Members chosen by the Medical Corporations and Universities of *England*, *Scotland*, and *Ireland* respectively, and the Members nominated by Her Majesty, with the Advice of Her Privy Council, for such Parts respectively of the United Kingdom, shall be the Branch Councils for such Parts respectively of the United Kingdom, to which Branch Councils shall be delegated such of the Powers and Duties vested in the Council as the Council may see fit other than the Power to make Representations to Her Majesty in Council as herein-after mentioned: The President shall be a Member of all the Branch Councils.

Qualification.

VII. Members of the General Council representing the Medical Corporations must be qualified to be registered under this Act.

Resignation or Death of Member of General Council.

VIII. The Members of the General Council shall be chosen and nominated for a Term not exceeding Five Years, and shall be capable of Re-appointment, and any Member may at any Time resign his Appointment by Letter addressed to the President of the said Council, and upon the Death or Resignation of any Member of the said Council, some other Person shall be constituted a Member of the said Council in his Place in manner herein-before provided; but it shall be lawful for the Council during such Vacancy to exercise the Powers herein-after mentioned.

IX. The

Time and Place of Meeting of the General Council.

IX. The General Council shall hold their First Meeting within Three Months from the Commencement of this Act, in such Place and at such Time as One of Her Majesty's Principal Secretaries of State shall appoint, and shall make such Rules and Regulations as to the Times and Places of the Meetings of the General Council, and the Mode of summoning the same, as to them shall seem expedient, which Rules and Regulations shall remain in force until altered at any subsequent Meeting; and in the Absence of any Rule or Regulation as to the summoning a Meeting of the General Council, it shall be lawful for the President to summon a Meeting at such Time and Place as to him shall seem expedient by Letter addressed to each Member; and at every Meeting, in the Absence of the President, some other Member to be chosen from the Members present shall act as President; and all Acts of the General Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number present not being less than Eight, and at all such Meetings the President for the Time being shall, in addition to his Vote as a Member of the Council, have a Casting Vote, in case of an Equality of Votes; and the General Council shall have Power to appoint an Executive Committee out of their own Body, of which the Quorum shall not be less than Three, and to delegate to such Committee such of the Powers and Duties vested in the Council as the Council may see fit, other than the Power of making Representations to Her Majesty in Council as herein-after mentioned.

Appointment of Registrars and other Officers.

X. The General Council shall appoint a Registrar, who shall act as Secretary of the General Council, and who may also act as Treasurer, unless the Council shall appoint another Person or other Persons as Treasurer or Treasurers; and the Person or Persons so appointed shall likewise act as Registrar for *England*, and as Secretary and Treasurer or Treasurers, as the Case may be, for the Branch Council for *England;* the General Council and Branch Council for *England* shall also appoint so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed by any Council shall be removable at the Pleasure of that Council, and shall be paid such Salary as the Council by which he was appointed shall think fit.

Appointment of Registrars and other Officers by Branch Councils.

XI. The Branch Councils for *Scotland* and *Ireland* shall each respectively in like Manner appoint a Registrar and other Officers and Clerks, who shall be paid such Salaries as such Branch Councils respectively shall think fit, and be removable at the Pleasure of the Council by which they were appointed; and the Person appointed Registrar shall also act as Secretary to the Branch Council, and may also act as Treasurer, unless the

the Council shall appoint some other Person or Persons as Treasurer or Treasurers.

Fees for Attendance at Councils.

XII. There shall be paid to the Members of the Councils such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the General Council and approved by the Commissioners of Her Majesty's Treasury.

Expenses of the Councils.

XIII. All Monies payable to the respective Councils shall be paid to the Treasurers of such Councils respectively, and shall be applied to defray the Expenses of carrying this Act into execution in manner following; that is to say, separate Accounts shall be kept of the Expenses of the General Council, and of those of the Branch Councils; and the Expenses of the General Council, including those of keeping, printing, and publishing the Register for the United Kingdom, shall be defrayed, under the Direction of the General Council, by means of an equal Per-centage Rate upon all Monies received by the several Branch Councils; Returns shall be made by the Treasurers of the respective Branch Councils, at such Times as the General Council shall direct, of all Monies received by them; and the necessary Per-centage having been computed by the General Council, the respective Contributions shall be paid by the Treasurers of such Branch Councils to the Treasurer or Treasurers of the General Council; and the Expenses of the Branch Councils shall be defrayed, under the Direction of those Councils respectively, out of the Residue of the Monies so received as aforesaid.

Duty of Registrar to keep the Register correct.

XIV. It shall be the Duty of the Registrars to keep their respective Registers correct in accordance with the Provisions of this Act, and the Orders and Regulations of the General Council, and to erase the Names of all registered Persons who shall have died, and shall from Time to Time make the necessary Alterations in the Addresses or Qualifications of the Persons registered under this Act; and to enable the respective Registrars duly to fulfil the Duties imposed upon them it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to practise or has changed his Residence, and if no Answer shall be returned to such Letter within the Period of Six Months from the sending of the Letter it shall be lawful to erase the Name of such Person from the Register; Provided always, that the same may be restored by Direction of the General Council should they think fit to make an Order to that Effect.

Registration of Persons

XV. Every Person now possessed, and (subject to the Provisions herein-after contained) every Person hereafter becoming possessed,

possessed, of any One or more of the Qualifications described in the Schedule (A.) to this Act, shall, on Payment of a Fee, not exceeding Two Pounds, in respect of Qualifications obtained before the First Day of *January* One thousand eight hundred and fifty-nine, and not exceeding Five Pounds in respect of Qualifications obtained on or after that Day, be entitled to be registered on producing to the Registrar of the Branch Council for *England*, *Scotland*, or *Ireland* the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered, or upon transmitting by Post to such Registrar Information of his Name and Address, and Evidence of the Qualification or Qualifications in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and other Bodies mentioned in the said Schedule (A.) to transmit from Time to Time to the said Registrar Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively, are for the Time being entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon, and upon Payment of such Fee as aforesaid in respect of each Person to be registered, to enter in the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein dated, without other Application in relation thereto.

now qualified, and of Persons hereafter becoming qualified.

XVI. The General Council shall, with all convenient Speed after the passing of this Act, and from Time to Time as Occasion may require, make Orders for regulating the Registers to be kept under this Act as nearly as conveniently may be in accordance with the Form set forth in Schedule (D.) to this Act, or to the like Effect.

Council to make Orders for regulating Registers to be kept.

XVII. Any Person who was actually practising Medicine in *England* before the First Day of *August* One thousand eight hundred and fifteen shall, on Payment of a Fee to be fixed by the General Council, be entitled to be registered on producing to the Registrar of the Branch Council for *England*, *Scotland*, or *Ireland* a Declaration according to the Form in the Schedule (B.) to this Act signed by him, or upon transmitting to such Registrar Information of his Name and Address, and enclosing such Declaration as aforesaid.

Persons practising in England before 1st August 1815 entitled to be registered.

XVIII. The several Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act shall from Time to Time, when required by the General Council, furnish such Council with such Information as they may require as to the Courses

Council may require Information as to Course of

Study, &c. required for obtaining Qualifications.

Courses of Study and Examinations to be gone through in order to obtain the respective Qualifications mentioned in Schedule (A.) to this Act, and the Ages at which such Courses of Study and Examination are required to be gone through, and such Qualifications are conferred, and generally as to the Requisites for obtaining such Qualifications; and any Member or Members of the General Council, or any Person or Persons deputed for this Purpose by such Council, or by any Branch Council, may attend and be present at any such Examinations.

Colleges may unite in conducting Examinations.

XIX. Any Two or more of the Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act may, with the Sanction and under the Directions of the General Council, unite or co-operate in conducting the Examinations required for Qualifications to be registered under this Act.

Defects in the Course of Study or Examinations may be represented by General Council to Privy Council.

XX. In case it appear to the General Council that the Course of Study and Examinations to be gone through in order to obtain any such Qualification from any such College or Body are not such as to secure the Possession by Persons obtaining such Qualification of the requisite Knowledge and Skill for the efficient Practice of their Profession, it shall be lawful for such General Council to represent the same to Her Majesty's Most Honourable Privy Council.

Privy Council may suspend the Right of Registration in respect of Qualifications granted by College, &c. in default but may be revoked.

XXI. It shall be lawful for the Privy Council, upon any such Representation as aforesaid, if it see fit, to order that any Qualification granted by such College or Body, after such Time as may be mentioned in the Order, shall not confer any Right to be registered under this Act: Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, when it is made to appear to Her, upon further Representation from the General Council or otherwise, that such College or Body has made effectual Provision, to the Satisfaction of such General Council, for the Improvement of such Course of Study or Examinations, or the Mode of conducting such Examinations, to revoke any such Order.

Persons not to be registered in respect of Qualifications granted by the College or Body before Revocation.

XXII. After the Time mentioned in this Behalf in any such Order in Council no Person shall be entitled to be registered under this Act in respect of any such Qualification as in such Order mentioned, granted by the College or Body to which such Order relates, after the Time therein mentioned, and the Revocation of any such Order shall not entitle any Person to be registered in respect of any Qualification granted before such Revocation.

XXIII. In case it shall appear to the General Council that an Attempt has been made by any Body, entitled under this Act to grant Qualifications, to impose upon any Candidate offering himself for Examination an Obligation to adopt or refrain

frain from adopting the Practice of any particular Theory of Medicine or Surgery, as a Test or Condition of admitting him to Examination or of granting a Certificate, it shall be lawful for the said Council to represent the same to Her Majesty's most Honourable Privy Council, and the said Privy Council may thereupon issue an Injunction to such Body so acting, directing them to desist from such Practice; and in the event of their not complying therewith, then to order that such Body shall cease to have the Power of conferring any Right to be registered under this Act so long as they shall continue such Practice.

Privy Council may prohibit Attempts to impose Restrictions as to any Theory of Medicine or Surgery by Bodies entitled to grant Certificates.

XXIV. All Powers vested in the Privy Council by this Act may be exercised by any Three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said Privy Council on Education being One of them; and all Orders and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf; and all Orders and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council; and every such Document shall be received in Evidence in all Courts, and before all Justices and others, without Proof of the Authority or Signature of such Clerk or other Officer or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

As to the making and Authentication of Orders, &c.

XXV. Where any Person entitled to be registered under this Act applies to the Registrar of any of the said Branch Councils for that Purpose, such Registrar shall forthwith enter in a Local Register in the Form set forth in Schedule (D.) to this Act, or to the like Effect, to be kept by him for that Purpose, the Name and Place of Residence, and the Qualification or several Qualifications in respect of which the Person is so entitled, and the Date of the Registration, and shall, in the Case of the Registrar of the Branch Council for *Scotland* or *Ireland*, with all convenient Speed send to the Registrar of the General Council a Copy, certified under the Hand of the Registrar, of the Entry so made, and the Registrar of the General Council shall forthwith cause the same to be entered in the General Register; and such Registrar shall also forthwith cause all Entries made in the Local Register for *England* to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

As to Registration by Branch Registrars.

XXVI. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered

Evidence of Qualification to

be given before Registration.

registered Name, unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar may be decided by the General Council, or by the Council for *England*, *Scotland*, or *Ireland* (as the Case may be); and any Entry which shall be proved to the Satisfaction of such General Council or Branch Council to have been fraudulently or incorrectly made may be erased from the Register by Order in Writing of such General Council or Branch Council.

Register to be published.

XXVII. The Registrar of the General Council shall in every Year cause to be printed, published, and sold, under the Direction of such Council, a correct Register of the Names in alphabetical Order according to the Surnames, with the respective Residences, in the Form set forth in Schedule (D.) to this Act, or to the like Effect, and Medical Titles, Diplomas, and Qualifications conferred by any Corporation or University, or by Doctorate of the Archbishop of *Canterbury*, with the Dates thereof, of all Persons appearing on the General Register as existing on the First Day of *January* in every Year: and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy, under the Hand of the Registrar of the General Council or of any Branch Council, of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Names of Members struck off from List of College, &c. to be signified to General Council.

XXVIII. If any of the said Colleges or the said Bodies at any Time exercise any Power they possess by Law of striking off from the List of such College or Body the Name of any One of their Members, such College or Body shall signify to the General Council the Name of the Member so struck off; and the General Council may, if they see fit, direct the Registrar to erase forthwith from the Register the Qualification derived from such College or Body in respect of which such Member was registered, and the Registrar shall note the same therein: Provided always, that the Name of no Person shall be erased from the Register on the Ground of his having adopted any Theory of Medicine or Surgery.

XXIX. If any registered Medical Practitioner shall be convicted

victed in *England* or *Ireland* of any Felony or Misdemeanor, or in *Scotland* of any Crime or Offence, or shall after due Inquiry be judged by the General Council to have been guilty of infamous Conduct in any professional Respect, the General Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register. Medical Practitioners convicted of Felony may be struck off the Register.

XXX. Every Person registered under this Act who may have obtained any higher Degree or any Qualification other than the Qualification in respect of which he may have been registered, shall be entitled to have such higher Degree or additional Qualification inserted in the Register in substitution for or in addition to the Qualification previously registered, on Payment of such Fee as the Council may appoint. Registered Persons may have subsequent Qualifications inserted in the Register.

XXXI. Every Person registered under this Act shall be entitled according to his Qualification or Qualifications to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of Her Majesty's Dominions, and to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients: Provided always, that it shall be lawful for any College of Physicians to pass a Byelaw to the effect that no one of their Fellows or Members shall be entitled to sue in manner aforesaid in any Court of Law, and thereupon such Byelaw may be pleaded in bar to any Action for the Purposes aforesaid commenced by any Fellow or Member of such College. Privileges of registered Persons.

XXXII. After the First Day of *January* One thousand eight hundred and fifty-nine, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, unless he shall prove upon the Trial that he is registered under this Act. None but registered Persons to recover Charges.

XXXIII. Provided also, That no Person who on the First of *October* One thousand eight hundred and fifty-eight shall be acting as Medical Officer under an Order of the Poor Law Commissioners or Poor Law Board shall be disqualified to hold such Office by reason of his not being registered as herein required, unless he shall have failed to be registered within Six Months from the passing of this Act. Poor Law Medical Officers not disqualified if registered within Six Months of passing of Act.

XXXIV. After the First Day of *January* One thousand eight hundred and fifty-nine, the Words "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or Member of the Medical Profession, when used in Meaning of Terms "legally qualified Medical

Practitioner," &c.

any Act of Parliament, shall be construed to mean a Person registered under this Act.

Registered Persons exempted from serving on Juries, &c.

XXXV. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all corporate, parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Unregistered Persons not to hold certain Appointments.

XXXVI. After the First Day of *January* One thousand eight hundred and fifty-nine, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other Public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act: Provided always, that nothing in this Act contained shall extend to repeal or alter any of the Provisions of the Passengers Act, 1855.

No Certificate to be valid unless Person signing be registered.

XXXVII. After the First Day of *January* One thousand eight hundred and fifty-nine, no Certificate required by any Act now in force, or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

Penalty on wilful Falsification of Register.

XXXVIII. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in *England* or *Ireland*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be imprisoned for any Term not exceeding Twelve Months.

Penalty for obtaining Registration by false Representations.

XXXIX. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in *England* and *Ireland*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding Twelve Months.

XL. Any Person who shall wilfully and falsely pretend to be

or

or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary Conviction for any such Offence, pay a Sum not exceeding Twenty Pounds. Penalty for falsely pretending to be a registered Person.

XLI. Any Penalty to which under this Act any Person is liable on Summary Conviction of any Offence may be recovered as follows; (that is to say,) in *England*, in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in *Ireland* in manner directed by "The Petty Sessions (*Ireland*) Act, 1851," or any other Act for the Time being in force in *England* and *Ireland* respectively for the like Purposes; and any such Penalty may in *Scotland* be recovered by the Procurator Fiscal of the County, or by any other Person before the Sheriff or Two Justices, who may proceed in a summary Way and grant Warrant for bringing the Party complained against before him or them, or issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order, and every such Order shall be served on the Party by delivering to him in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded, and upon the Appearance or Default to appear of the Party, it shall be lawful for the Sheriff or Justices to proceed to the hearing of the Complaint, and upon Proof on Oath or Confession of the Offence, the Sheriff or Justices shall without any written Pleadings or Record of Evidence commit the Offender and decern him to pay the Penalty named as well as such Expenses as the Sheriff or Justices shall think fit, and failing Payment shall grant Warrant for Recovery thereof by Poinding and Imprisonment, such Imprisonment to be for such Period as the Discretion of the Sheriff or Justices may direct, not exceeding Three Calendar Months, and to cease on Payment of the Penalty and Expenses. Recovery of Penalties.

XLII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the General Council. Application of Penalties.

XLIII. All Monies received by any Treasurer arising from Fees to be paid on Registration, from the Sale of Registers, from Penalties, or otherwise, shall be applied for Expenses of Registration and of the Execution of this Act. Application of Monies received by Treasurer.

XLIV. The Treasurers of the General and Branch Councils shall

Accounts to be published.

shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall be submitted by them to the respective General Council and Branch Councils at such Times as the Councils shall require; and the said Accounts shall be published annually, and such Accounts shall be laid before both Houses in the Month of *March* in every Year, if Parliament be sitting, or, if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Notice of Death of Medical Practitioners to be given by Registrars.

XLV. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Registrar of the General Council and to the Registrar of the Branch Council a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Provision for Persons practising in the Colonies and elsewhere, and for Students.

XLVI. It shall be lawful for the General Council by Special Orders to dispense with such Provisions of this Act or with such Part of any Regulations made by its Authority as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than *Great Britain* and *Ireland* by virtue of any of the Qualifications described in Schedule (A.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on foreign or colonial Diplomas or Degrees before the passing of this Act; and also in favour of any Persons who have held Appointments as Surgeons or Assistant Surgeons in the Army, Navy, or Militia, or in the Service of the *East India* Company, or are acting as Surgeons in the public Service, or in the Service of any Charitable Institutions, and also, so far as to the Council shall seem expedient, in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

New Charter may be granted to the College of Physicians of London.

XLVII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of *London* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *England*," and to make such Alterations in the Constitution of the same Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King *Henry* the Eighth, and shall also operate

operate as a Surrender of such Charter and of any Rights, Powers, or Privileges conferred by or enjoyed under an Act of the Session holden in the Fourteenth and Fifteenth Years of King *Henry* the Eighth, Chapter Five, confirming the same, as far as such Charter and Act respectively may be inconsistent with such new Charter: Provided nevertheless, that within Twelve Months after the granting of such Charter to the College of Physicians of *London*, any Fellow, Member, or Licentiate of the Royal College of Physicians of *Edinburgh*, or of the Queen's College of Physicians of *Ireland*, who may be in practice as a Physician in any Part of the United Kingdom called *England*, and who may be desirous of becoming a Member of such College of Physicians of *England*, shall be at liberty to do so, and be entitled to receive the Diploma of the said College, and to be admitted to all the Rights and Privileges thereunto appertaining, on the Payment of a Registration Fee of Two Pounds to the said College.

Her Majesty may grant Power to College of Surgeons to institute Examinations, &c. for Dentists.

XLVIII. It shall, notwithstanding anything herein contained, be lawful for Her Majesty, by Charter, to grant to the Royal College of Surgeons of *England* Power to institute and hold Examinations for the Purpose of testing the Fitness of Persons to practise as Dentists who may be desirous of being so examined, and to grant Certificates of such Fitness.

New Charter may be granted to College of Physicians of Edinburgh.

XLIX. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of *Edinburgh* a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of *Scotland*," and it shall be lawful for the said Royal College of Physicians, under their Common Seal, to accept such new Charter, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation.

The Faculty at Glasgow may be amalgamated.

L. If at any future Period the Royal College of Surgeons of *Edinburgh* and Faculty of Physicians and Surgeons of *Glasgow* agree to amalgamate, so as to form One United Corporation, under the Name of "The Royal College of Surgeons of *Scotland*," it shall be lawful for Her Majesty to grant, and for such College and Faculty under their respective Common Seals to accept, such new Charter or Charters as may be necessary for effecting such Union, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to such College and Faculty; and in the event of such Union it shall be competent for the said College and Faculty to make such Arrangements as to the Time and Place of their Examinations as they may agree upon, these Arrangements being in conformity with the Provisions of this Act, and subject to the Approval of the General Council.

LI. It

New Charter may be granted to the King and Queen's College of Physicians in Ireland.

LI. It shall be lawful for Her Majesty to grant to the Corporation of the King and Queen's College of Physicians in *Ireland* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *Ireland*," and to make such Alterations in the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of the Charter granted by King *William* and Queen *Mary*, so far as it may be inconsistent with such new Charter.

Charters not to contain new Restrictions in the Practice of Medicine or Surgery.

LII. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Medicine or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the Common Law of the Land or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Bylaws of the Corporations to which the same shall be granted, further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act in the Constitution of such Corporation.

Provisions of 17 & 18 Vict. c. 114. as to University of London to continue in force.

LIII. The Enactments and Provisions of the University of *London* Medical Graduates Act, 1854, shall be deemed and construed to have applied and shall apply to the University of *London* for the Time being, notwithstanding the Surrender or Determination of the therein-recited Charter, and the granting or Acceptance of the now existing Charter of the University of *London*, or the future Determination of the present or any future Charter of the said University, and the granting of any new Charter to the said University; and that every Bachelor of Medicine and Doctor of Medicine of the University of *London* for the Time being shall be deemed to have been and to be entitled and shall be entitled to the Privileges conferred by the said Act, in the same Manner and to the same Extent as if the Charter recited in the said Act remained in force, subject nevertheless to the Provisions of this Act.

British Pharmacopœia to be published.

LIV. The General Council shall cause to be published under their Direction a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "British Pharmacopœia;" and the General Council shall cause to be altered, amended, and republished such Pharmacopœia as often as they shall deem it necessary.

LV. Nothing in this Act contained shall extend or be construed

strued to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists and Dentists, or the Rights, Privileges, or Employment of duly licensed Apothecaries in *Ireland*, so far as the same extend to selling, compounding, or dispensing Medicines. Chemists, &c. not to be affected.

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.

2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.

3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.

4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.

5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.

6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.

7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.

8. Licentiate of the Society of Apothecaries, London.

9. Licentiate of the Apothecaries Hall, Dublin.

10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom; or Doctor of Medicine by Doctorate granted prior to passing of this Act by the Archbishop of Canterbury.

11. Doctor of Medicine of any Foreign or Colonial University or College, practising as a Physician in the United Kingdom before the First Day of October 1858, who shall produce Certificates to the Satisfaction of the Council of his having taken his Degree of Doctor of Medicine after Regular Examination, or who shall satisfy the Council, under Section Forty-five of this Act, that there is sufficient reason for admitting him to be registered.

SCHEDULE (B.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in practice as a Medical Practitioner in England or Wales before the First Day of August 1815:

To the Registrar of the Medical Council.

I, residing at in the County of hereby declare that I was practising as a Medical

Medical Practitioner at in the
County of before the First Day of August 1815.
(Signed) [*Name.*]
Dated this Day of 185 .

SCHEDULE (D.)

Name.	Residence.	Qualification.	Title.
A.B. -	London - -	Fellow of the Royal College of Physicians of	
C.D. -	Edinburgh -	Fellow and Member of the Royal College of Surgeons of	
E.F. -	Dublin -	Graduate in Medicine of University of	
G.H. -	Bristol - -	Licentiate of the Society of Apothecaries.	
I.K. -	London - -	Member of College of Surgeons and Licentiate of the Society of Apothecaries.	

CAP. XCI.

An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability. —[2*d* August 1858.]

WHEREAS it is expedient to enable Banking Companies to be formed on the Principle of Limited Liability: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 20 & 21 Vict. c. 49. as prohibits Banking Companies from being registered

I. So much of the Joint Stock Banking Companies Act, 1857, as prohibits a Banking Company from being formed under that Act with limited Liability, or prohibits an existing Banking Company from being registered under that Act with limited Liability, shall be repealed, subject to the following Proviso, that no Banking Company claiming to issue Notes in the United Kingdom

Kingdom shall be entitled to limited Liability in respect of such Issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the Assets shall be marshalled for the Benefit of the General Creditors, and the Shareholders shall be liable for the whole Amount of the Issue, in addition to the Sum for which they would be liable as Shareholders of a Limited Company.

with limited Liability repealed.

Proviso as to Bankers issuing Notes.

II. The Registration of a Banking Company under the Joint Stock Banking Companies Act, 1857, or under any other Act, shall not prejudice the Right of such Company to register itself again as a Limited Company under the said Joint Stock Banking Companies Act, 1857, and the Acts incorporated therewith.

Registration of Banking Companies not to prejudice Re-registration as limited.

III. Provided, That every Company so registering itself again as a Limited Company, and every existing Banking Company which shall register itself as a Limited Banking Company, shall, at least Thirty Days previous to obtaining a Certificate of Registration with limited Liability, give Notice that it is intended so to register the same to every Person and Partnership Firm who shall have a Banking Account with the Company, and such Notice shall be given either by delivering the same to such Person or Firm, or leaving the same or putting the same into the Post addressed to him or them at such Address as shall have been last communicated or otherwise become known as his or their Address to or by the Company; and in case the Company shall omit to give any such Notice as is herein-before required to be given, then as between the Company and the Person or Persons only who are for the Time being interested in the Account in respect of which such Notice ought to have been given, and so far as respects such Account and all Variations thereof down to the Time at which such Notice shall be given, but not further or otherwise, the Certificate of Registration with limited Liability shall have no operation.

On Re-registration with limited Liability Notice to be given to Customers.

In default of Notice unlimited Liability to continue as to such Customers.

IV. Every Limited Joint Stock Banking Company shall, before it commences Business, or, if a Banking Company at the Time carrying on Business with unlimited Liability, before it avails itself of the Provisions of this Act, and also on the First Day of *February* and First Day of *August* in every Year during which it carries on Business, make a Statement in the Form contained in the Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Statement shall be put up in a conspicuous Place in the registered Office of the Company, and in every Branch Office or Place where the Banking Business of the Company is carried on; and if Default is made in due Compliance with the Provisions of this Section, each Director shall be liable to a Penalty not exceeding Five Pounds

Banking Company to annex a Statement to their Memorandum of Association.

Pounds for every Day during which such Default continues, and such Penalties shall be recovered in a summary Manner.

How Limited Banking Companies are to be wound up.

V. Limited Joint Stock Banking Companies shall be wound up in the same Manner and under the same Jurisdiction as that in and under which Joint Stock Banking Companies other than Limited are required to be wound up by the Joint Stock Banking Companies Act, 1857.

SCHEDULE referred to in the foregoing Act.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.

The Capital of the Company is One million, divided into Ten thousand Shares of One hundred Pounds each.

The Number of Shares issued is Ten thousand.

Calls to the Amount of Twenty Pounds per Share have been made, under which the Sum of One hundred and eighty thousand Pounds has been received.

The Liabilities of the Company on the First Day of January (*or* July) were—	£	s.	d.
Notes issued			
Deposits not bearing Interest			
Deposits bearing Interest			
Seven Day and other Bills			
Total			

The Assets of the Company on that Day were—			
Government Securities			
Bills of Exchange			
Loans on Mortgage			
Other Loans			
Bank Premises			
Other Securities, exclusive of unpaid Calls on Shares			
Total			

Dated the First Day of February *or* August One thousand eight hundred and fifty-nine.

CAP. XCII.

An Act to provide for the Conveyance of County Property to the Clerk of the Peace of the County.—[2*d* August 1858.] (England.)

CAP. XCIII.

An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.—[2*d* August 1858.]

WHEREAS it is expedient to enable Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and also to enable Persons to establish their Right to be deemed natural-born Subjects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.

1. Any natural-born Subject of the Queen, or any Person whose Right to be deemed a natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, being domiciled in *England* or *Ireland*, or claiming any Real or Personal Estate situate in *England*, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person, being so domiciled or claiming as aforesaid, may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

II. Any

Application to Court for Declaration of Right to be deemed a natural-born Subject.

II. Any Person, being so domiciled or claiming as aforesaid, may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as herein-after mentioned, be valid and binding to all Intents and Purposes upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit.

III. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85. to apply to Proceedings under this Act.

IV. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings in the said Court under this Act, as if the same had been authorized by the said Act of the last Session.

Power to award and enforce Payment of Costs.

V. In all Proceedings under this Act the Court shall have full Power to award and enforce Payment of Costs to any Persons cited, whether such Persons shall or shall not oppose the Declaration applied for, in case the said Court shall deem it reasonable that such Costs shall be paid.

Attorney General to have a Copy of Petition One Month before it is filed, and to be Respondent.

VI. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall, One Month at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

VII. Where any Application is made under this Act to the said Court such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

VIII. The Decree of the said Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or next of

of Kin, or other Real or Personal Representative of or derives Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

Persons domiciled in Scotland may insist, on an Action of Declarator, that he is a natural-born Subject.

IX. Any Person domiciled in *Scotland*, or claiming any Heritable or Moveable Property situate in *Scotland*, may raise and insist in an Action of Declarator before the Court of Session, for the Purpose of having it found and declared that he is entitled to be deemed a natural-born Subject of Her Majesty; and the said Court shall have Jurisdiction to hear and determine such Action of Declarator, in the same Manner and to the same Effect, and with the same Power to award Expenses, as they have in Declarators of Legitimacy and Declarators of Bastardy.

No Proceedings to affect final Judgments, &c. already pronounced.

X. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction.

Acts to be read together.

XI. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858."

Short Title.

CAP. XCIV.

An Act to amend the Copyhold Acts.—[2*d* August 1858.]

CAP. XCV.

An Act to amend the Act of the Twentieth and Twenty-first Victoria, *Chapter Seventy-seven.*—[2*d* August 1858.] ("The Court of Probate Act," England.)

CAP. XCVI.

An Act to amend "The West Indian *Incumbered Estates Act,* 1854."—[2*d* August 1858.]

CAP. XCVII.

An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.—[2*d* August 1858.] (England.)

CAP. XCVIII.

An Act to amend the Public Health Act, 1848, *and to make further Provision for the Local Government of Towns and populous Districts.*—[2*d* August 1858.] (England.)

CAP. XCIX.

An Act to provide for the Government of British Columbia.—[2*d* August 1858.]

CAP. C.

An Act to regulate the Office of Clerk of Petty Sessions in Ireland.—[2*d* August 1858.]

CAP. CI.

An Act to amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.—[2*d* August 1858.]

WHEREAS it is expedient to amend an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, intituled *An Act to consolidate and amend the Law relating to Friendly Societies*, and to provide additional Facilities for carrying the same into effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

18 & 19 Vict. c. 63.

I. In

Jurisdiction of County Court given to Judge of Sheriff's Court, Assistant Barrister, &c., and Section 24 extended to Ireland.

I. In the City of *London* the Judge of the Sheriff's Court, and in *Ireland* the Assistant Barrister within his District, and in the Cities of *Dublin* and *Cork* the Recorder thereof, shall respectively have the same Jurisdiction as by the said Act, as amended by this Act, is given to the Judge of a County Court in any Matter arising under the said Act, and in *Ireland* a Justice of the Peace or Two Justices of the Peace, as the Case may be, shall have the same Jurisdiction as by Section Twenty-four of the said Act is given to a Justice of the Peace or Two Justices of the Peace in *England* in any Matter arising under the said Section, but the Complaint shall be heard and determined in manner directed by the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-three.

No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner.

II. The Tenth Section of the said Act shall be repealed, and instead thereof be it enacted:

In any Society in which a Sum of Money may be insured, payable on the Death of a Child under the Age of Ten Years, for the Funeral Expenses of such Child, it shall not be lawful to pay any Sum so insured unless the Person who shall apply for such Payment shall produce a Certificate, signed by a qualified Medical Practitioner, stating the probable Cause of Death of such Child; and if any Trustee or Officer of such Society, upon an Insurance of a Sum payable on the Death of any Child under the Age of Ten Years, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between the Ages of Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount thereof on the Back or at the Foot of the Medical Certificate aforesaid, or if any Parent or other Person, who shall apply for such Payment to more than One Society, shall produce to the Trustees or Officers of One Society any other or different Certificate than that which he shall have produced to the Trustees or Officers of any other Society, such Trustee, Officer, Parent, or other Person shall be liable to a Penalty not exceeding Five Pounds for every such Act upon Conviction before Two Justices of the County or Borough in which such Child shall have died: Provided, that if the said Child shall have been attended immediately before its Death by the Medical Officer of any Union on account of such Union, he shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall not be entitled to receive any Fee for the same; and if such Child shall

shall not have been attended by such Medical Officer as aforesaid, nor by any qualified Medical Practitioner, the Medical Officer of the Union or Parish in which such Child shall have been resident shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall be entitled to receive from the Parties applying for the same a Fee of One Shilling.

Extension of Provisions of recited Act as to Punishment of Fraud, &c.

III. Sections Sixteen and Twenty-four of the said Act shall extend and be applicable to all Institutions and Societies entitled to the Benefit of Section Eleven of the said Act.

Power to Society to change its Name.

IV. Any Friendly Society may, with the Approval in Writing of the Registrar, change its Name; but no such Change shall affect any Rights or Obligations of the Society or any Member thereof, and any legal Proceedings may be continued or commenced by or against the Trustees of the Society, or any Officer or the Committee thereof, by and notwithstanding its new Name.

Disputes to be settled by Justices, if Rules so direct.

V. The Proviso contained in Section Forty of the said Act shall be repealed, and in lieu thereof be it enacted, That where the Rules of any Society established under the said Act, or any of the Acts thereby repealed, shall direct Disputes to be referred to Justices, then any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Member, his Executors, Administrators, Nominee, or Assigns, or by any Person claiming under the Rules of the Society, of any Matter in dispute between him or them and the Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons, and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, which Complaint shall be heard and determined in *England* in manner directed by the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in *Ireland* in manner directed by the Act passed in the Fourteenth and Fifteenth of Her Majesty, Chapter Ninety-three; and such Justices may make such Order thereupon, either for the Payment of Money or otherwise, together with Costs, not exceeding Ten Shillings, as they shall think fit; and where the Order made shall be for the doing of some Act other than the Payment of Money, the said Justices may order the Payment of a Sum of Money in default of the doing of such Act; and any Monies which shall be paid by any Officer of the Society so levied on his Property under any Order or Warrant the Justices shall be repaid, with all Damages accruing to him, by

Justices may make Order.

by the Society: Provided always, that in *Scotland* the Sheriff within his County shall have the same Jurisdiction as is hereby given to a Justice or Justices of the Peace.

Sheriff in Scotland to have same Jurisdiction as Justices.

VI. Sections Forty and Forty-four of the said Act shall extend and be applicable to Disputes between the Executors, Administrators, Nominee, or Assigns of a Member, and the Trustees, Treasurer, or other Officer, or the Committee of a Society.

Sects. 40 and 44 of said Act extended to other Disputes.

VII. In any Proceeding under the said recited Act or this Act against a Society it shall be sufficient to make the Secretary or other Officer of the Society, at the Time of the Plaint or Complaint being entered or made, the Defendant in such Proceeding, by his Name and the Title of the Office he holds in the Society; and the Proceedings on such Plaint or Complaint shall be commenced and carried on against such Officer on behalf of the Society, and shall not be abated or prejudiced by the Death, Resignation, or Removal, or by any Act of such Officer after the Commencement thereof; and the Summons to be issued to such Officer may be served by leaving the same at the usual Place of Business of the Society.

An Officer to be proceeded against on behalf of a Society.

VIII. Instead of its being necessary to state in the Agreement for the Dissolution of a Friendly Society pursuant to the said recited Act the intended Appropriation or Division of the Funds or Property thereof, such Appropriation or Division may by such Agreement be referred to the Award of the Registrar of Friendly Societies, or to the Actuary to the Commissioners for the Reduction of the National Debt, or to an Actuary of some Life Assurance Company established in *London, Edinburgh,* or *Dublin,* who shall have exercised the Profession of Actuary for at least Five Years, to be named in the said Agreement; and also, that on the Application in Writing of not less than One Fourth Part of the Members of any Friendly Society made to the Registrar or Actuary aforesaid, stating that the Funds of the said Society are insufficient to meet the Claims thereon, with the Grounds thereof, it shall be lawful for the Registrar or Actuary aforesaid to investigate the same, and to determine whether the said Society should continue or be dissolved, and the Funds and Property divided; and if in his Opinion the said Society should be dissolved, then to make an Award to that Effect, and to award, without the Requirement of Section Thirteen of the said Act being complied with, in what Way the Funds and Property should be appropriated and divided; and that the Award of the said Registrar or Actuary in either of the said Cases shall be final and conclusive on all the Members and other Persons interested in or having any Claim on the Funds of the said Society, without

In case of Dissolution Registrar or Actuary may divide Funds.

Application may be made to Registrar or Actuary in case of Insolvency of Society.

Appeal, and shall be enforced in the same Manner as by Section Forty-one of the said Act is provided for enforcing the Decision of Arbitrators; and that the Expenses incurred by the said Registrar, or the Charges of the said Actuary, shall be paid out of the Funds and Property of the said Society before any Appropriation or Division thereof shall be made.

Acts to be considered as One Act.

IX. This Act and the said recited Act shall be construed as One Act, and may be cited together for all Purposes as the "Friendly Societies Acts, 1855 and 1858."

CAP. CII.

An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes.—[2*d* August 1858.]

7 & 8 Vict. c. 109. 8 & 9 Vict. c. 57. 9 & 10 Vict. c. 48.

WHEREAS an Act was passed in the Eighth Year of Her present Majesty's Reign, intituled *An Act to indemnify Persons connected with Art Unions and others against certain Penalties*, which Act was continued by another Act passed in the Ninth Year of Her present Majesty's Reign: And whereas another Act was passed in the Tenth Year of Her present Majesty's Reign, intituled *An Act for legalizing Art Unions:* And whereas certain Parties have formed themselves into a voluntary Association for the Purpose of encouraging the Application of High Art to the Production of Works of Utility and Ornament, with reference to the said last-recited Act, by means of the Purchase of Works of *British* and Foreign Manufacture, to be afterwards allotted and distributed by Chance or otherwise as Prizes among the several Members, Subscribers, or Contributors forming Part of such said Association: And whereas Doubts have been entertained whether the said Association is a lawful Association within the Sense and Meaning of the said last-recited Act: And whereas it is expedient that all Members of and Subscribers and Contributors to the voluntary Association, and all Persons acting under the Authority or on the Behalf of the same, shall be discharged and protected from any Pains and Penalties to which they may have rendered themselves liable or may render themselves liable by reason of any such their Proceedings as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Association now constituted, and the Members of and Subscribers and Contributors to the said Association, and all Persons who may have acted or may hereafter act under the Authority or on the Behalf of the same, shall be freed and discharged from all Pains and Penalties, Suits, Prosecutions, and Liabilities to which by Law they are or may be liable as having been concerned in illegal Lotteries, Little Goes, or unlawful Games, by reason of anything done or which may have been or may be done by them or any of them herebefore or before the Thirty-first Day of *August* in the Year next ensuing the passing of this Act, in furtherance of the Allotment or Distribution by Chance, Scheme, or otherwise of Articles of the Description herein-before set forth, selected, allotted, and distributed as aforesaid. The said Association, and the Members, Subscribers, and Contributors thereof, discharged from Suits and Penalties.

CAP. CIII.

An Act to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland.—[2*d* August 1858.]

CAP. CIV.

An Act to alter and amend the Metropolis Local Management Act (1855), *and to extend the Powers of the Metropolitan Board of Works for the Purification of the* Thames *and the Main Drainage of the Metropolis.*—[2*d* August 1858.]

CAP. CV.

An Act to amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.—[2*d* August 1858.]

CAP. CVI.

An Act for the better Government of India.—[2*d* August 1858.]

16 & 17 Vict. c. 95.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of *India*," the Territories in the Possession and under the Government of the *East India* Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Transfer of the Government of India to Her Majesty.

Territories under the Government of the East India Company to be vested in Her Majesty, and Powers to be exercised in Her Name.

I. The Government of the Territories now in the Possession or under the Government of the *East India* Company, and all Powers in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in Her Majesty, and be exercised in Her Name; and for the Purposes of this Act *India* shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the Name of Her Majesty as Rights incidental to the Government of *India*; and all the Territorial and other Revenues of or arising in *India*, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of

of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of *India* alone, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of *India*, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the *East India* Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of *India* in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of *India*, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

As to Warrants, &c. required to be countersigned by 17 & 18 Vict. c. 77.

Four Principal and Four Under Secretaries of State may sit as Members in the House of Commons.

IV. After the Commencement of this Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time.

If President of Board of Control is appointed Secretary of State, his Seat in the House of Commons not to be vacated.

V. In case the Person who immediately before the Commencement of this Act is the President of the Commissioners for the Affairs of *India* be appointed, upon or within One Month after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament.

Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of *India* to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

Council

Council of India.

Council of India established.

VII. For the Purposes of this Act a Council shall be established, to consist of Fifteen Members, and to be styled the Council of *India*; and henceforth the Council in *India* now bearing that Name shall be styled the Council of the Governor General of *India*.

First Members of the Council.

VIII. Within Fourteen Days after the passing of this Act the Court of Directors of the *East India* Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of *India*, under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the passing of this Act, to appoint to be Members of such Council Eight Persons: Provided always, that if the Court of Directors of the *East India* Company shall refuse or shall for such Fourteen Days neglect to make such Election of such Seven Persons, and to certify the Names of such Persons as aforesaid, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the Expiration of such Fourteen Days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council: Provided also, that if any Person being or having been such Director, and elected or appointed as aforesaid, shall refuse to accept the Office, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint in the Place of every Person so refusing some other Person to be a Member of the Council, but so that Nine Members of the Council at the least shall be Persons qualified as herein-after mentioned.

Vacancies in the Council how to be filled up.

IX. Every Vacancy happening from Time to Time among the Members of the Council appointed by Her Majesty, not being Members so appointed by reason of the Refusal or Neglect of the Court of Directors or the Refusal to accept Office hereinbefore mentioned, shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose.

The major Part of the Council, with cer-

X. The major Part of the Persons to be elected by the Court of Directors, and the major Part of the Persons to be first appointed by Her Majesty after the passing of this Act to be Members

Members of the Council, shall be Persons who shall have served or resided in *India* for Ten Years at the least, and (excepting in the Case of late and present Directors and Officers on the Home Establishment of the *East India* Company who shall have so served or resided) shall not have last left *India* more than Ten Years next preceding the Date of their Appointment; and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Nine at the least of the continuing Members of the Council be Persons qualified as aforesaid. Certain Exceptions, to be Persons who shall have served or resided Ten Years in India.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament. Tenure of Office of Members of the Council.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament. Members of Council not to sit in Parliament.

XIII. There shall be paid to each Member of the Council the yearly Salary of One thousand two hundred Pounds, out of the Revenues of *India*. Salaries of Members of Council.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member of the Council for the Period of Ten Years or upwards, shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of Five hundred Pounds: Provided, that if at any Time hereafter it should appear to Parliament expedient to reduce the Number or otherwise deal with the Constitution of the said Council, no Member of Council who has not served in his Office for a Period of Ten Years shall be entitled to claim any Compensation for the Loss of his Office, or for any Alteration in the Terms and Conditions under which the same is held. As to Retiring Pensions, &c.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of *India*, immediately before the Commencement of this Act, shall on such Commencement be and form the Establishment of the Secretary of State in Council; and the Secretary of State shall with all convenient speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within Six Months after the Commencement of this Act Secretaries and Officers on the Home Establishment of Company to form the Establishment of the Secretary of State in Council.

Secretary of State to submit a Scheme for a permanent Establishment.

Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Secretary of State in Council, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, provided Parliament be then sitting, or otherwise within Fourteen Days after the next Meeting thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, except by a similar Order in Council, to be laid in like Manner before both Houses of Parliament.

As to Removal of Officers and Supply of Vacancies after First Formation of Establishment.

XVI. After the First Formation of the Establishment, it shall be lawful for the Secretary of State in Council to remove any Officer or Servant belonging thereto, and also to make all Appointments and Promotions to and in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of *May* One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the said Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Secretary of State in Council, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

As to Superannuation to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the Secretary of State in Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service

vice if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the said Establishment after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of *India* and the Correspondence with *India*, but every Order or Communication sent to *India* shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of *India* under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in *India*, and other Despatches from *India*, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of *India* under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, with Power to vote, and it shall be lawful for such Secretary of State in Council to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised by the Secretary of State in Council, and all Powers of the Council, shall and may be exercised at Meetings of such Council, at which not less than Five Members shall be present, and at every

every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; provided that One such Meeting at least be held in every Week.

Procedure at Meetings.

XXIII. At any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question other than the Question of the Election of a Member of Council, or other than any Question with regard to which a Majority of the Votes at a Meeting is herein-after declared to be necessary, the Determination of the Secretary of State shall be final; and in case of an Equality of Votes at any Meeting of the Council, the Secretary of State, if present, and in his Absence the Vice-President, or presiding Member, shall have a Casting Vote; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State, except the Election of a Member of the Council, shall require the Sanction or Approval in Writing of the Secretary of State; and in Case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c. to be open to the Perusal of Members of Council, who may record their Opinions.

XXIV. Every Order or Communication proposed to be sent to *India*, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during Seven Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against Opinions of the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

XXVI. Provided

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Communication, or the making of any Order, not being an Order for which a Majority of the Votes at a Meeting is hereby made necessary, is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for Seven Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State, and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned. Provision for Cases of Urgency.

XXVII. Provided also, That any Order, not being an Order for which a Majority of Votes at a Meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of *India* through the Secret Committee of the Court of Directors to Governments or Presidencies in *India*, or to the Officers or Servants of the said Company, may, after the Commencement of this Act, be sent to such Governments or Presidencies, or to any Officer or Servant in *India*, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid. Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.

XXVIII. Any Despatches to *Great Britain* which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending the same, and such Despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct. As to Communication of Secret Despatches from India.

Appointments and Patronage.

XXIX. The Appointments of Governor General of *India*, Fourth Ordinary Member of the Council of the Governor General of *India*, and Governors of Presidencies in *India*, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of *India*, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of *India*, except the Fourth Ordinary Member, and the Appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting; the Appointments of the Lieutenant Governors of Provinces or Territories shall be made by the Governor General of Appointments to be made by or with the Approbation of Her Majesty.

of *India*, subject to the Approbation of Her Majesty; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in *India*, and all Promotions, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in *India*, shall continue to be made in *India* by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting, shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in *India*, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in *India* as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of *India*, if this Act had not been passed.

Certain Sections of 16 & 17 Vict. c. 95. as to Appointment, &c. to the Civil Service repealed.

XXXI. Sections Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, and Forty-two of the Act of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-five, are hereby repealed, so far as the same apply to or provide for the Admission or Appointment of Persons to the Civil Service of the *East India* Company.

Secretary of State in Council to make Regulations for the Admission of Candidates to the Civil Service of India.

XXXII. With all convenient Speed after the passing of this Act, Regulations shall be made by the Secretary of State in Council, with the Advice and Assistance of the Commissioners for the Time being acting in execution of Her Majesty's Order in Council of Twenty-first *May* One thousand eight hundred and fifty-five, "for regulating the Admission of Persons to the "Civil Service of the Crown," for admitting all Persons being natural-born Subjects of Her Majesty and of such Age and Qualification as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Appointment to the Civil Service of *India* to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations under the Superintendence of the said last-mentioned Commissioners, or of the Persons for the Time being intrusted with the carrying out of such Regulations as may be from Time to Time established by Her Majesty for Examination, Certificate, or other Test of Fitness in relation to Appointments to junior Situations in the Civil Service of the Crown, and the Candidates who may be certified by the said Commissioners or other Persons as aforesaid to be entitled under such

such Regulations shall be recommended for Appointment according to the Order of their Proficiency as shown by such Examinations, and such Persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of *India* by the Secretary of State in Council: Provided always, that all Regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Regulations made by Secretary of State to be laid before Parliament.

XXXIII. All Appointments to Cadetships, Naval and Military, and all Admissions to Service not herein otherwise expressly provided for, shall be vested in Her Majesty; and the Names of Persons to be from Time to Time recommended for such Cadetships and Service shall be submitted to Her Majesty by the Secretary of State.

Other Appointments and Admissions to Service vested in Her Majesty.

XXXIV. With all convenient Speed after the Commencement of this Act, Regulations shall be made for admitting any Persons being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Cadetships in the Engineers and in the Artillery, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations.

Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.

XXXV. Not less than One Tenth of the whole number of Persons to be recommended in any Year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected according to such Regulations as the Secretary of State in Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in *India* in the Military or Civil Services of Her Majesty, or of the *East India* Company.

Not less than One Tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India.

XXXVI. Except as aforesaid, all Persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of Seventeen Nominations the Secretary of State shall have Two and each Member of Council shall have One; but no Person so nominated shall be recommended unless the Nomination be approved of by the Secretary of State in Council.

Nominations for Cadetships to be made by Secretary of State and Members of Council.

XXXVII. Save as herein-before provided, all Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of *India*, may be exercised by the Secretary

Regulations as to Appointments and Admissions to Service.

tary of State in Council, and all Regulations in force at the Time of the Commencement of this Act in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Secretary of State in Council as aforesaid.

As to Removal of Officers by Her Majesty.

XXXVIII. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in *India*, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors, shall, in lieu thereof, be communicated within the Time aforesaid to the Secretary of State in Council.

Transfer of Property.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

XXXIX. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of *India*.

Powers of Sale and Purchase, and to enter into Contracts, vested in Secretary of State in Council.

XL. The Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, as may be thought fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as may be thought fit, for the Purposes of this Act; and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India;* and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State in Council may be made under the Hands and Seals of Three Members of the Council.

Revenues.

Expenditure of Revenues of

XLI. The Expenditure of the Revenues of *India*, both in *India* and elsewhere, shall be subject to the Control of the Secretary

tary of State in Council, and no Grant or Appropriation of any Part of such Revenues, or of any other Property coming into the Possession of the Secretary of State in Council by virtue of this Act, shall be made without the Concurrence of a Majority of Votes at a Meeting of the Council.

India subject to Control of Secretary of State in Council.

XLII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond, Debenture, and other Debt of the said Company in *Great Britain*, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of *India*, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the Commencement of this Act shall be lawfully contracted and incurred on account of the Government of *India*, and all Payments under this Act, shall be charged and chargeable upon the Revenues of *India* alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues: Provided always, that nothing herein contained shall lessen or prejudicially affect any Security to which the said Company, or any Proprietor or Creditor thereof, now is or may be entitled upon the Fund called "The Security Fund of the *India* Company," and mentioned in the Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, Chapter Eighty-five, Section Fourteen.

Dividend on the Stock of the Company, and existing and future Debts, Liabilities, and Expenses, to be charged on Revenues of India.

XLIII. Such Part of the Revenues of *India* as shall be from Time to Time remitted to *Great Britain*, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in *Great Britain* of the said Company, or which would have been received by them in *Great Britain* if this Act had not been passed, and all Monies arising or accruing in *Great Britain* from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the Purposes of this Act; and all such Monies, except as herein-after otherwise provided, shall be paid

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to Secretary of State in Council.

paid into the Bank of *England*, to the Credit of an Account to be opened by the Governor and Company of the Bank of *England*, to be intituled "The Account of the Secretary of State in Council of *India*;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and such Account shall be a public Account: Provided always, that the Secretary of State in Council may cause to be kept, from Time to Time, under the Care of their Cashier, in an Account to be kept at the Bank of *England*, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance of the Company at the Bank to be transferred to Secretary of State in Council.

XLIV. Such Amount of Money as at the Time of the Commencement of this Act may be standing to the Credit of the *East India* Company at the Bank of *England* shall be transferred by the Governor and Company of the Bank of *England* to the Credit of the Account to be opened in the Name of the Secretary of State in Council as aforesaid.

Stock Account to be opened at the Bank.

XLV. There shall be raised in the Books of the Governor and Company of the Bank of *England* such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Secretary of State in Council of *India*," and every such Account shall be a public Account.

Stock standing in the Name of the Company transferred.

XLVI. Such Government Stock or Stocks as at the Time of the Commencement of this Act may be standing in the Name of the *East India* Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

XLVII. The Secretary of State in Council, by Letter of Attorney, executed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, may authorize all or any of the Cashiers of the Bank of *England* to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Secretary of State in Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by Three Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased

purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills, Bonds, and other Securities.

XLVIII. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not herein-before referred to, which shall be held by the Governor and Company of the Bank of *England* in trust for or on account of the *East India* Company at the Time of the Commencement of this Act, shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Secretary of State in Council.

XLIX. All Powers of issuing Bonds, Debentures, and other Securities for Money in *Great Britain* which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of *India*, or otherwise, shall and may be exercised by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting; and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries.

Provisions in force relating to Forgery to extend to Bonds, &c. issued by Secretary of State in Council.

L. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Secretary of State in Council of *India* under the Authority of this Act.

Present System of issuing Warrants for Payments to be continued.

LI. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Secretary of State in Council of *India* under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department at the *East India House* before Payment, it shall be countersigned by such Officer

Officer or Officers of that Audit Department as the Secretary of State in Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the *East India* Company shall, after the Commencement of this Act, be signed by Three Members of the Council of *India*.

As to the Audit of Accounts in Great Britain.

LII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Secretary of State in Council, and to Authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants out of the Revenues of *India* such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in *Great Britain* of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Secretary of State in Council shall by the Officers and Servants of the Establishment produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in *Great Britain* of the Establishment as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State in Council his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit, specially noting any Case, if such there shall be, in which it shall appear to him that any Money arising out of the Revenues of *India* has been appropriated to other Purposes than those of the Government of *India* to which alone they are declared to be applicable; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses

Houses of Parliament by such Auditor, together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

LIII. The Secretary of State in Council shall, within the first Fourteen Days during which Parliament may be sitting next after the First Day of *May* in every Year, lay before both Houses of Parliament an Account for the financial Year preceding that last completed of the annual Produce of the Revenues of *India*, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of *India*, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the last financial Year, and also the Amount of the Debts chargeable on the Revenues of *India*, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in *England* or elsewhere, applicable to the Purposes of the Government of *India*, according to the latest Advices which have been received thereof, and also a List of the Establishment of the Secretary of State in Council, and the Salaries and Allowances payable in respect thereof, and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year; and such Account shall be accompanied by a Statement prepared from detailed Reports from each Presidency and District in *India* in such Form as shall best exhibit the moral and material Progress and Condition of *India* in each such Presidency.

When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.

LIV. When any Order is sent to *India* directing the actual Commencement of Hostilities by Her Majesty's Forces in *India*, the Fact of such Order having been sent shall be communicated to both Houses of Parliament within Three Months after the sending of such Order, if Parliament be sitting, unless such Order shall have been in the meantime revoked or suspended, and if Parliament be not sitting at the End of such Three Months then within One Month after the next meeting of Parliament.

Except for repelling Invasion, the Revenues of India not applicable for any Military Operation beyond the Frontiers.

LV. Except for preventing or repelling actual Invasion of Her Majesty's *Indian* Possessions, or under other sudden and urgent Necessity, the Revenues of *India* shall not, without the Consent of both Houses of Parliament, be applicable to defray the Expenses of any Military Operation carried on beyond the external Frontiers of such Possessions by Her Majesty's Forces charged upon such Revenues.

Existing

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LVI. The Military and Naval Forces of the *East India* Company shall be deemed to be the *Indian* Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of *India* in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the *East India* Company's Military and Naval Forces respectively, as if Her Majesty's *Indian* Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's *Indian* Military and Naval Forces shall be defrayed out of the Revenues of *India*.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LVII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's *Indian* Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's *Indian* Forces shall be such as Her Majesty with regard to the *European* Forces, and the Governor General of *India* in Council with regard to the Native Forces, shall from Time to Time direct: Provided, that every such Order in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Officers, &c. in Employ of the Company at the Commencement of this Act to be deemed to hold

LVIII. All Persons who at the Time of the Commencement of this Act shall hold any Offices, Employments, or Commissions whatever under the said Company in *India* shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of *India*; and the Transfer of any Person to the Service of Her Majesty shall be deemed to be a Continuance of his previous Service and, shall

shall not prejudice any Claims to Pension, or any Claims on the various Annuity Funds of the several Presidencies in *India*, which he might have had if this Act had not been passed. Offices under Her Majesty.

LIX. All Orders, Regulations, and Directions lawfully given or made before the Commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of *India* shall remain in force; but the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly. All Orders of the Court of Directors or Board of Control given before Commencement of this Act to remain in force.

LX. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of *India*, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine. Cesser of Appointments and Functions of Directors, &c.

LXI. The Appointments and Powers of Appointment of Commissioners for the Affairs of *India* shall cease and determine. Board of Control abolished.

LXII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Secretary of State in Council as they may direct. Records, &c. of the Company to be delivered into the Care of Secretary of State in Council.

LXIII. In case the Person who shall be entitled under any provisional Appointment to succeed to the Office of Governor General of *India* upon a Vacancy therein, or who shall be appointed absolutely to assume that Office, shall be in *India* (upon or after the happening of the Vacancy, or upon or after the Receipt of such absolute Appointment, as the Case may require), but shall be absent from *Fort William* in *Bengal*, or from the Place where the Council of the Governor General of *India* may then be, and it shall appear to him necessary to exercise the Powers of Governor General before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention to assume the said Office of Governor General, and after such Proclamation, and thenceforth until he shall repair to *Fort William* or the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which A Person succeeding to the Office of Governor General may exercise his Powers before he takes his Seat in Council.

which might be exercised by the Governor General in Council, except the Power of making Laws and Regulations; and all Acts done in the exercise of the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor General in Council; provided that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by the Person who shall have so assumed the said Office of Governor General; and when the Office of Governor General is assumed under the foregoing Provision, if there be at any Time before the Governor General takes his Seat in Council no Vice-President of the Council authorized to preside at Meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the same Powers as if a Vice-President had been appointed and were absent.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State in Council, &c.

LXIV. All Acts and Provisions now in force under Charter or otherwise concerning *India* shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in *India*, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in *India*, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Secretary of State in Council may sue and be sued.

LXV. The Secretary of State in Council shall and may sue and be sued as well in *India* as in *England* by the Name of the Secretary of State in Council as a Body Corporate; and all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the Secretary of State in Council of *India* as they could have done against the said Company; and the Property and Effects hereby vested in Her Majesty for the Purposes of the Government of *India*, or acquired for the said Purposes, shall be subject and liable to the same Judgments and Executions as they would while vested in the said Company have been liable to

to in respect of Debts and Liabilities lawfully contracted and incurred by the said Company.

Secretary of State in Council to come in the Place of the Company with regard to pending Suits, &c.

LXVI. The Secretary of State in Council shall, with respect to all Actions, Suits, and all Proceedings by or against the said Company pending at the Time of the Commencement of this Act, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Secretary of State in Council for that of the said Company.

Treaties to be binding on Her Majesty, and Contracts, &c. of Company may be enforced, &c.

LXVII. All Treaties made by the said Company shall be binding on Her Majesty, and all Contracts, Covenants, Liabilities, and Engagements of the said Company made, incurred, or entered into before the Commencement of this Act may be enforced by and against the Secretary of State in Council in like Manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

Members of Council not personally liable.

LXVIII. Neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Secretary of State or Secretary of State in Council in their official Capacity; but all such Liabilities, and all Costs and Damages in respect thereof, shall be satisfied and paid out of the Revenues of *India*.

The Directors elected by General Court of Company, alone to be the Directors of the Company.

LXIX. After the Commencement of this Act such of the Directors as have been elected by the General Court of the said Company, or who shall from Time to Time be so elected, shall be the Directors of the said Company, and the major Part of such Directors for the Time being shall form a Court of Directors; and where the Presence, Signature, Consent, or Concurrence of Ten Directors is now requisite, the Presence, Signature, Consent, or Concurrence of the major Part of the Directors for the Time being shall be sufficient; and to the Intent that the Number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial Election to fill the Vacancies occasioned by the Expiration of the Term of Office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be Persons who have resided Ten Years in *India* shall be repealed, and in the Oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the Words "in the Administration of the Government of *India* in trust for the Crown" shall be omitted.

Provision as to Reduction of Number of Directors.

Quarterly Courts need not be summoned.

LXX. It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every Year as heretofore.

LXXI. Except

Company not to be liable in respect of any Claim arising out of any Covenant, &c. made before the passing of this Act.

LXXI. Except Claims of Mortgagees of the Security Fund herein-before mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any Claim, Demand, or Liability which has arisen or may hereafter arise out of any Treaty, Covenant, Contract, Grant, Engagement, or Fiduciary Obligation made, incurred, or entered into by the said Company before the passing of this Act, whether the said Company would, but for this Act, have been bound to satisfy such Claim, Demand, or Liability out of the Revenues of *India*, or in any other Manner whatsoever.

Saving of certain Rights of the Company.

As to Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

LXXII. It shall be lawful for the Secretary of State in Council to pay to the said Company out of the Revenues of *India* such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

Saving of the Rights of the Company in respect of their Dividend and Security Fund.

LXXIII. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King *William* the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of *India* is required in relation to the Disposal of the said Security Fund, the Approbation of the Secretary of State in Council shall be required.

Commencement of the Act.

Commencement of Act.

LXXIV. Save as herein otherwise provided, this Act shall commence and take effect on the Expiration of Thirty Days after the Day of the passing thereof.

Provision as to Proceedings in India before the Act is proclaimed there.

LXXV. This Act shall be proclaimed in the several Presidencies and Governments of *India* as soon as conveniently may be after such Act has been received by the Governor General of *India*; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in *India* in the Name of the *East India* Company, or otherwise in relation to the Government of *India*, shall be as valid and effectual as if this Act had not been passed.

CAP. CVII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.—[2*d* August 1858.]

CAP. CVIII.

An Act to amend the Act of the Twentieth and Twenty-first Victoria, *Chapter Eighty-five.*—[2*d* August 1858.] (Divorce and Matrimonial Causes in England.)

CAP. CIX.

An Act to declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of Wales *and Duke of* Cornwall *to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of* Cornwall, *and for other Purposes.*—[2*d* August 1858.]

CAP. CX.

An Act to extend the Act of the Twenty-fourth Year of King George *the Third, Chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment.* —[2*d* August 1858.]

WHEREAS Provision is made by the Twenty-fourth of *George* the Third, Chapter Twenty-six, for the issuing of Writs by Warrant of the Speaker of the House of Commons during any Recess of the said House, whether by Prorogation or

or Adjournment: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Speaker to issue Warrants for making out new Writs in the Room of Members accepting certain Offices.

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons for the Time being, during any Recess of the House as aforesaid, to issue his Warrant to the Clerk of the Crown to make out a new Writ for Election of a Member of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

Members accepting Office to notify the same to the Speaker.

II. Provided always, That any Member of the House of Commons accepting any such Office as aforesaid shall forthwith notify his Acceptance thereof to the Speaker, either by Writing under the Hand of such Member or by his countersigning the said Certificate relating to such Acceptance, and the Speaker shall not issue his Warrant in pursuance of this Act without having received such Notification, and until Fourteen Days after he shall have caused Notice of his having received such Certificate and Notification to be inserted in the *London Gazette*.

If Case appears to the Speaker' doubtful, Warrant not to issue.

III. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

Act not to apply to certain Offices.

IV. Provided always, That this Act shall not in any way apply to the Acceptance of any of the following Offices; that is to say, the Office of Steward or Bailiff of Her Majesty's Three Chiltern Hundreds of *Stoke*, *Desborough*, and *Bonenham*, or of the Manor of *East Hendred*, or of the Manor of *Northstead*, or of the Manor of *Hempholme*, or of Escheator of *Munster*.

V. All

V. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act. 24 G. 3. c. 26. to apply to this Act.

VI. This Act may be cited as the "Election of Members during Recess Act, 1858." Short Title.

SCHEDULE.

We, whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of

A.B.
C.D.

To the Speaker of the House of Commons.

APPENDIX.

Cap. xxvi.

An Act to regulate the Annual Close Time for Salmon Fisheries in the River Tay *and its Tributaries and on the Sea Coasts adjoining.*—[14*th* June 1858.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled, *An Act for the Preservation of the Salmon Fisheries in* Scotland, whereby it was enacted, that no Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind, should be taken in or from any River, Stream, Lake, Water, or Estuary whatsoever, or on any Part of the Sea Coast, between the Fourteenth Day of *September* and the First Day of *February* in any Year; and another Act was passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Ninth Year of King* George *the Fourth, for the Preservation of the Salmon Fisheries in* Scotland, whereby the Provisions of the first-recited Act were extended to the Salmon Fisheries in the Sea and on the Seashores in *Scotland:* And whereas it is expedient, and would be for the Advantage of the Salmon Fisheries in the River *Tay* and its Tributaries and on the adjoining Sea Coasts, that the Annual Close Time fixed by the first-recited Act should be altered and extended, and that further Provision should be made for the Regulation of the said Salmon Fisheries; but these Objects cannot be effected without the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

9 G. 4. c. 39.

7 & 8 Vict. c. 95.

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Tay* Fisheries Act, 1858."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; that is to say,

The Expression "River *Tay*" shall mean and include the River *Tay*, and the Lakes, Rivers, Streams, and Waters communicating with or flowing into the same, and the Sea Coasts within Five Miles of the Mouth of the said River:

The Word "Salmon" shall mean and include Salmon, Grilse, Sea Trout, Whitling, Smolts, and other Fish of the Salmon Kind:

The Word "Proprietor" shall mean any Person, Company, or Corporation, being the Proprietor of a Salmon Fishery in the River *Tay*, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person, Company, or Corporation.

Limits of Act.

III. This Act shall be applicable to and be enforced in and with respect to the River *Tay*, and the Lakes, Rivers, Streams, and Waters communicating with or flowing into the same, and the Sea Coasts within Five Miles of the Mouth of the said River.

Annual Close Time.

IV. From and after the passing of this Act, it shall not be lawful for any Person to take, fish for, or attempt to take, or to aid or assist in taking, fishing for, or attempting to take, any Salmon in or from the River *Tay*, at any time between the Twenty-sixth Day of *August* in any Year and the First Day of *February* in the Year following, except by means of the Rod, as herein-after specified, and which Period is in this Act termed the Annual Close Time; provided that the Proprietors of Salmon Fisheries in the River *Tay*, or a Majority of them according to Rental of Fisheries, may, by Writing under their Hands, authorize any Person or Persons appointed by them to fish for and take Salmon in and from the River *Tay*, with the Consent of the Proprietor of the Fishery from which such Salmon are taken, during the said Annual Close Time, for the Purpose of artificial Propagation.

Period for Rod Fishing.

V. It shall be lawful for every Proprietor of a Salmon Fishery in the River *Tay*, and for any Person having Permission from any such Proprietor, or from his Factor duly authorized to grant such Permission, to fish for Salmon in the River *Tay*, within

within the Limits of his Fishery, with the single Rod, at any Time between the First Day of *February* and the Thirtieth Day of *September*, both Days inclusive, in every Year.

Penalty for fishing during Annual Close Time.

VI. Every Person who, at any Time between the Twenty-sixth Day of *August* in any Year and the First Day of *February* in the Year following, shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, any Salmon in or from the River *Tay*, (except by means of the Rod, between the Twenty-seventh Day of *August* and the Thirtieth Day of *September*, both Days inclusive, or for the Purpose of artificial Propagation as before provided,) shall for every such Offence forfeit and pay any Sum not less than One Pound and not exceeding Ten Pounds, over and above forfeiting every Salmon so taken, and every Boat, Net, or Engine by which any Salmon has been taken or attempted to be taken.

Penalty for having or selling Fish caught in Annual Close Time.

VII. Every Person who during the Annual Close Time fixed by this Act has in his Possession any Salmon known by such Person to have been taken or caught in the River *Tay* during the said Annual Close Time (except Salmon which have been taken by the Rod between the Twenty-seventh Day of *August* and the Thirtieth Day of *September*, both Days inclusive, or which have been taken for the Purpose of artificial Propagation, under the Authority of the Proprietors, as herein-before provided), or who sells or offers or exposes for Sale or Exchange any Salmon known by such Person to have been taken or caught in the River *Tay* during the said Annual Close Time, shall for every such Offence be liable to a Penalty not exceeding Two Pounds for every Salmon so had in his Possession, or sold or offered or exposed for Sale or Exchange as aforesaid, and shall also forfeit every such Salmon, and every Boat, Cart, Basket, or Package in which the same may be found; and the Proof that such Salmon was not taken contrary to the Provisions of this Act shall lie upon the Person in whose Custody the same is found.

Provisions of recited Acts as to Penalties, &c. applicable to this Act.

VIII. The whole Enactments and Provisions of the recited Acts with respect to the Penalties and Forfeitures imposed by the said Acts or either of them for illegal fishing for or taking Salmon, or for any other Offences against the Provisions thereof, and with respect to the Recovery and Application of Penalties, and the Apprehension and Punishment of Offenders, shall be and remain in full Force and Effect, and are hereby incorporated with and made applicable to this Act, and to Offences committed against and Penalties and Forfeitures to be imposed under the Provisions of this Act; and the recited Acts and this Act shall and may be enforced in the same Manner

ner in all respects as if such Enactments and Provisions were repeated and re-enacted in this Act.

Not to affect recited Acts except as to the River Tay.

IX. Nothing in this Act contained shall alter or affect the recited Acts, except as regards the River *Tay;* and the whole Enactments and Provisions of the recited Acts shall as regards the River Tay be and remain in full Force and Effect, except in so far as expressly varied and altered by this Act.

Assessments for Expenses of Act and protecting Fisheries.

X. The Expenses of obtaining and passing this Act and incidental thereto, and of enforcing and carrying into effect, in and with respect to the River *Tay*, the Purposes of this Act and the recited Acts, and the other Laws regulating Salmon Fisheries, shall be defrayed by annual Assessments on the whole Proprietors of Salmon Fisheries in the River *Tay*, rateably according to the Real Rents of their Fisheries; and such Assessments shall be imposed, levied, and recovered in the Manner provided by the first-recited Act, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; provided that the said Proprietors shall and they are hereby required to impose and levy an Annual Assessment, not exceeding Ten Pounds *per Centum* of the said Rents, for the Purpose of defraying the Expenses of this Act, until the same are paid, over and above the annual Assessments for enforcing and carrying into effect the said Acts and Laws and this Act.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the SECOND Session of the SEVENTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

21° & 22° VICT.

i. AN Act to empower the *Birmingham and Staffordshire* Gaslight Company to raise a further Sum of Money.

ii. An Act to amend the Act, Fifty-sixth King *George* the Third, Chapter Forty-four, for improving the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*, in relation to the Securities to be granted for borrowed Money.

iii. An Act for conferring additional Powers and Privileges on the *Edinburgh* Life Assurance Company.

iv. An Act to empower the *Cheltenham* Waterworks Company to raise a further Sum of Money.

v. An Act for supplying with Water the Inhabitants of *Gosport, Forton,* and *Anglesey*, and other Places in the Parish of *Alverstoke* in the County of *Hants.*

vi. An Act to incorporate the *Chester United* Gas Company, and to confer upon them further Powers for the Supply of Gas to the City and Borough of *Chester* and the Suburbs thereof.

vii. An Act to extend the Time for the Construction of the *Haslingden and Rawtenstall* Waterworks.

viii. An Act for incorporating "The *Madras* Irrigation and Canal Company," and for other Purposes connected therewith.

ix. An Act to enable the *Nottingham* Gaslight and Coke Company to raise a further Sum of Money, and to afford a Supply of Gas to Places in the Neighbourhood of *Nottingham;* and for other Purposes.

x. An Act to enable the *Folkestone* Waterworks Company to raise further Moneys; and to confer upon them other Powers.

xi. An Act to empower the *Liskeard and Looe Union* Canal Company to construct a Railway from *Moors Water* to *Looe*, all in the County of *Cornwall*; and for other Purposes.

xii. An Act to confer upon the Local Board of Health for the District of *Merthyr Tydfil* further Powers with reference to the Supply of Water; and for other Purposes.

xiii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway to *Dalmarnock* in the County of *Lanark*; and for other Purposes.

xiv. An Act to authorize the making of a Railway from the *Lancaster and Carlisle* Railway at or near *Clifton* to the *South Durham and Lancashire Union* Railway at or near *Kirkby Stephen*, all in the County of *Westmoreland*; and for other Purposes.

xv. An Act for making a Railway from the *Caledonian* Railway, near *Symington* Station, to *Biggar* and *Broughton*; and for other Purposes.

xvi. An Act to enable the *Dundalk and Enniskillen* Railway Company to raise further Money; and for other Purposes.

xvii. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas certain Parts of the Town or Borough of *Kingston-upon-Hull*; and for other Purposes.

xviii. An Act for better Supplying with Water the Town and Parish of *Aberdare* in the County of *Glamorgan*.

xix. An Act for making a Railway from the *Craven Arms* Station of the *Shrewsbury and Hereford* Railway in the County of *Salop* to the Borough of *Knighton* in the County of *Radnor*; and for other Purposes.

xx. An Act for better supplying with Water the Borough of *Barnstaple* and Places adjacent thereto, in the County of *Devon*; and for other Purposes.

xxi. An Act for providing a Market House and Market Place and other Buildings for Public Accommodation at the Town of *Newport* in the County of *Salop*, and for establishing and regulating Markets and Fairs there; and for opening a new Street and widening other Streets, and otherwise improving the Town; and for other Purposes.

xxii. An Act for supplying and lighting with Gas the several Townships of *Peniston*, *Thurlstone*, and *Oxspring*, and Places adjacent, all in the Parish of *Peniston* in the West Riding of the County of *York*.

xxiii. An Act to repeal the Act relating to the Company of Proprietors of the *Liverpool Exchange*, and to substitute other Provisions in lieu thereof.

xxiv. An

xxiv. An Act for enabling the Justices of the County of *Lancaster* to erect or provide Assize Courts in or near *Manchester* in the Hundred of *Salford;* and for other Purposes.

xxv. An Act for enabling the Corporation of the City of *Manchester* to raise further Sums of Money; and for other Purposes.

xxvi. An Act to regulate the Annual Close Time for Salmon Fisheries in the River *Tay* and its Tributaries and on the Sea Coasts adjoining.

xxvii. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to raise further Money; and for other Purposes.

xxviii. An Act to provide for the better Maintenance of the *Garngad Road* in the County of *Lanark*.

xxix. An Act to enable the *Selkirk and Galashiels* Railway Company to raise additional Capital.

xxx. An Act to authorize the *Ely Valley* Railway Company to make a Branch Railway, to be called "The *Mwyndy* Branch;" and for other Purposes.

xxxi. An Act for granting further Powers to the *Malvern* Improvement Commissioners.

xxxii. An Act for repealing so much of several Acts for building *Vauxhall Bridge*, and for making convenient Roads thereto, as relate to certain of such Roads; providing for the future Maintenance and Repair of such Roads; and for other Purposes.

xxxiii. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas certain Parts of the District called the *Staffordshire Potteries;* and for other Purposes.

xxxiv. An Act for more effectually maintaining the Navigation of the River *Trent* from *Wilden Ferry* in the Counties of *Derby* and *Leicester*, or One of them, to *Gainsborough* in the County of *Lincoln*, and other Works connected therewith.

xxxv. An Act to enable the *London* Dock Company to raise a further Sum of Money, and to augment their Capital Stock; and for other Purposes connected with their Docks.

xxxvi. An Act for lighting with Gas the Parish of *Maidstone* and the Neighbourhood thereof in the County of *Kent*.

xxxvii. An Act for the more effectual Management and Repair of the Road from *Manchester* in the County Palatine of *Lancaster*, through *Hyde*, to *Mottram-in-Longdendale* in the County Palatine of *Chester*.

xxxviii. An Act to authorize the Metropolitan Board of Works to form an improved Communication between *Limehouse* and

and the *Victoria Park* in the County of *Middlesex;* and for other Purposes.

xxxix. An Act for extending, improving, and maintaining the Port and Harbour of *Burghead* in the County of *Elgin*.

xl. An Act for incorporating the *Stoke, Fenton, and Longton* Gaslight Company, and extending their Powers; and for other Purposes.

xli. An Act for the Regulation of certain Public Sufferance Wharves in the Port of *London*.

xlii. An Act to repeal the Acts relating to the *Besselsleigh* Turnpike Road in the County of *Berks*, and to make other Provisions in lieu thereof.

xliii. An Act for making a Railway from the *Meigle* Station of the *Scottish North-eastern* Railway to the Town of *Alyth*, to be called "The *Alyth* Railway;" and for other Purposes in relation thereto.

xliv. An Act for increasing and regulating the Capital and Borrowing Powers of the *Brentford* Gaslight Company; for consolidating into One Act the Provisions of the several Acts relating to the Company; and for other Purposes.

xlv. An Act for vesting the *Inverury and Old Meldrum Junction* Railway by way of Lease in the *Great North of Scotland* Railway Company; and for other Purposes.

xlvi. An Act for making a Railway from *Banbridge to Lisburn*, to be called "The *Banbridge, Lisburn, and Belfast* Railway;" and for other Purposes.

xlvii. An Act to enable the *East Suffolk* Railway Company to construct a Branch Railway near *Lowestoft;* to raise further Sums of Money; and for other Purposes.

xlviii. An Act to confer upon the *Waterford and Kilkenny* Railway Company Facilities for raising Money.

xlix. An Act for repairing and maintaining the Road from *Horsham* in the County of *Sussex*, through *Dorking* and *Leatherhead*, to *Epsom* in the County of *Surrey*, and from *Capel* to *Stone Street* at *Ockley* in the said County of *Surrey*.

l. An Act for extending the Time for the Completion of the Works authorized by "The *Stokes Bay* Railway and Pier Act, 1855;" and for other Purposes.

li. An Act to amend the Acts relating to "The *East Kent* Railway (Extension to *Dover*)."

lii. An Act for better supplying with Water the Inhabitants of the Town of *Taunton* in the County of *Somerset*.

liii. An Act to enable the *Ballymena, Ballymoney, Coleraine, and Portrush Junction* Railway Company to sell their Undertaking

Undertaking to the *Belfast and Ballymena* Railway Company.

liv. An Act to amend "The *Tramore* Embankment Act, 1852."

lv. An Act for incorporating the City of *Waterford* Gas Company, and for authorizing them to acquire the existing Gasworks at *Waterford*, and to supply Gas; and for other Purposes.

lvi. An Act for authorizing the Abandonment of Part of the authorized Line of the *Exeter and Exmouth* Railway, and the making, instead of the Part so abandoned, of an Extension of the Main Line of the Railway; and for reducing and regulating the Capital and Borrowing Powers of the *Exeter and Exmouth* Railway Company; and for other Purposes.

lvii. An Act to confer upon the *London, Brighton, and South Coast* Railway Company further Powers for raising Money, and to authorize the Purchase and Lease by them of the Undertakings of certain other Railway Companies.

lviii. An Act to authorize a Lease of the *Staines, Wokingham, and Woking* Railway to the *London and South-western* Railway Company, and for other Purposes connected with the *Staines, Wokingham, and Woking* Railway Company.

lix. An Act for enabling the *Eastern* Steam Navigation Company to extend their Powers of trading, to increase their Capital, and to alter and amend their Charter and Deed of Settlement.

lx. An Act to enable the *Globe* Insurance Company to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company.

lxi. An Act to authorize the *Cromford and High Peak* Railway Company to raise further Sums of money; and for other Purposes.

lxii. An Act providing for the separate Incorporation of the Overseers of the several Townships of *Manchester*, *Ardwick*, *Chorlton-upon-Medlock*, and *Hulme* for specific Purposes; for the levying and Collection of Rates; for the extinguishing the Exemption of Gasworks from Rates.

lxiii. An Act for enabling the Local Board of Health for the District of *Wallasey* to construct Works and supply their District with Water and Gas; for enlarging their Powers with respect to the Acquisition and Maintenance of Ferries; and for other Purposes.

lxiv. An Act to vest the *Stirling and Dunfermline* Railway in the *Edinburgh and Glasgow* Railway Company, and for other Purposes.

lxv. An

lxv. An Act for the Formation of a Junction between the *Fife and Kinross* and *Kinross-shire* Railways, and the Construction of a joint Station at *Kinross*.

lxvi. An Act to enable the *Caledonian* Railway Company to make a Branch Railway to the *Port Carlisle* Railway; and for other Purposes.

lxvii. An Act to extend the Time for the Completion of the *Salisbury and Yeovil* Railway, and to authorize the Sale thereof to the *London and South-western* Railway Company.

lxviii. An Act to repeal "The *Blyth* Harbour and Dock Act, 1854," and to regulate the Company constituted thereby; and for other Purposes.

lxix. An Act for the Improvement of the Parish of *Chiswick*, in the County of *Middlesex*; and for other Purposes.

lxx. An Act to incorporate the *Luton* Gas and Coke Company, to authorize the Adjustment and Increase of the present Capital, and for other Purposes.

lxxi. An Act to repeal *An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of* Balby *in the County of* York *to* Worksop *in the County of* Nottingham, and to make other Provisions in lieu thereof so far as regards a Portion of the said Turnpike Road.

lxxii. An Act to alter and amend the Acts for the Improvement of the Navigation of the Rivers *Burry*, *Loughor*, and *Lliedi*, in the Counties of *Carmarthen* and *Glamorgan*, and to improve the Harbour of *Llanelly* in the said County of *Carmarthen*.

lxxiii. An Act for enabling the *Ayr and Dalmellington* Railway Company to raise additional Capital; for vesting their Undertaking in the *Glasgow and South-western* Railway Company; and for other Purposes.

lxxiv. An Act for the Amalgamation of the *Hertford and Welwyn Junction* Railway Company and the *Luton, Dunstable, and Welwyn Junction* Railway Company into One Company to be called "The *Hertford, Luton, and Dunstable* Railway Company," and for regulating the Capital of the Company formed by the Amalgamation; and for other Purposes.

lxxv. An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Railway from near their *Newton and Hyde* Station to the Township of *Marple* in the Parish of *Stockport* in the County of *Chester*, to be called the *Newton and Compstall* Branch; and for other Purposes.

lxxvi. An Act for extending the Limits of the *Bradford* Waterworks

Waterworks, and for authorizing the Construction of new and altered Works; and for empowering the Corporation of *Bradford* to borrow a further Sum of Money; and for other Purposes.

lxxvii. An Act for enabling the *Wexford* Harbour Embankment Company to alter the Number of their Shares, and to issue Preference Shares in lieu of unissued Shares; and for other Purposes.

lxxviii. An Act to extend the Time for purchasing certain Lands required by the *Belfast and County Down* Railway Company, and for other Purposes connected with the same Company.

lxxix. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas the City of *Norwich* and Suburbs thereof; to dissolve the *Norwich* Gaslight Company, and to repeal the Acts relating thereto.

lxxx. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to acquire Lands for a Post Office and Public Offices, and to make a new and widen existing Streets within the Borough; and for other Purposes.

lxxxi. An Act for making and maintaining a Bridge over the River *Yar* in the *Isle of Wight*, with Approaches and Roads thereto; and for other Purposes.

lxxxii. An Act to authorize the Construction of a Railway from *Andover* to *Redbridge* in the County of *Southampton*, and for that Purpose to convert the *Andover* Canal into a Railway.

lxxxiii. An Act to incorporate and regulate "The *Oude* Railway Company;" to enable the Company to construct and maintain Railways in the *East Indies*, and to enter into Contracts with the *East India* Company; and for other Purposes.

lxxxiv. An Act to enable the *London, Brighton, and South Coast* Railway Company to complete the Communication by Railway between *Shoreham, Henfield*, and the *Mid-Sussex* Railway; and for other Purposes connected with their Undertaking.

lxxxv. An Act to amend the *Birkenhead* Improvement Amendment Act, 1850, especially with respect to the General Mortgage Debt of the Commissioners and their Powers to sell certain Lands; and for other Purposes.

lxxxvi. An Act to repeal the Act relating to the *Dean Forest* Turnpike Roads, and to make other Provisions in lieu thereof, and to authorize the Construction of a new Road; and for other Purposes.

lxxxvii. An

lxxxvii. An Act for amending the Acts relating to the *Manchester* Corporation Waterworks.

lxxxviii. An Act to extend the Time for the Completion of so much of the *Cornwall* Railway as lies between *Truro* and *Falmouth;* and for other Purposes.

lxxxix. An Act for authorizing the *London and South-western* Railway Company to make new Works, and to make Arrangements with other Companies, and for authorizing a Lease to them of the *Salisbury and Yeovil* Railway, and for Regulating their Capital and borrowing Powers; and for other Purposes.

xc. An Act to enable the *Mersey* Docks and Harbour Board to Construct certain Works at *Birkenhead* in substitution for and in addition to those already authorized, and for other Purposes.

xci. An Act for confirming the Gift by *Francis Crossley* Esquire, to the Borough of *Halifax* of a Park for the Benefit of the Inhabitants of the Borough, and for authorizing the Mayor, Aldermen, and Burgesses of the Borough to maintain and regulate the Park, and to provide, maintain, and regulate Public Baths in the Park, and for making a Cemetery, and for making further Provision with respect to the Waterworks and the Gasworks, and the Improvement of the Borough; and for other Purposes.

xcii. An Act to consolidate and amend the Provisions of the several Acts relating to the *Liverpool and Birkenhead* Docks and the Port and Harbour of *Liverpool*, and for other Purposes connected therewith.

xciii. An Act to afford Facilities to the *Limerick and Foynes* Railway Company for raising the Funds necessary to enable them to execute their Undertaking.

xciv. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make an Alteration in the Line of their *Streamstown and Clara Junction* Railway; and for other Purposes.

xcv. An Act for making a Tramroad from the *Aberllefenny* Slate Quarries in the Parish of *Talyllyn* in the County of *Merioneth* to the River *Dovey* in the Parish of *Llanfihangel-Geneu'r-Glyn* in the County of *Cardigan*, with Branches therefrom; and for other Purposes.

xcvi. An Act to enable the *Great Northern and Western* (of *Ireland*) Railway Company to make Deviations in their authorized Railways, and to empower the *Midland Great Western* Railway of *Ireland* Company to acquire Shares in the Undertaking of the *Great Northern and Western* (of *Ireland*) Railway Company; and for other Purposes.

xcvii. An

xcvii. An Act for making a Railway from the *Hertford and Ware* Branch of the *Eastern Counties* Railway to Buntingford.

xcviii. An Act for authorizing the raising by the *Ulverstone and Lancaster* Railway Company of further Money, and the selling or leasing of their Railway to the *Furness* Railway Company; or the making by the Two Companies of Working Arrangements; and for giving further Powers to the Two Companies respectively; and for other Purposes.

xcix. An Act for enabling the *Eastern Counties* Railway Company to abandon a Portion of the *Newmarket and Chesterford* Railway and also a Railway to the River Thames at *Galleon's Reach*.

c. An Act to enable the *Bury and Radcliffe* Waterworks Company to raise further Sums of Money; and to amend the Act relating to the Company.

ci. An Act for enabling the *Portsmouth* Railway Company to extend their Railway from *Havant* to *Hilsea;* to acquire additional Lands; to use a Portion of the *London and Southwestern* and *London, Brighton, and South Coast* Railways; and for other Purposes.

cii. An Act to authorize the *South Devon and Tavistock* Railway Company to lease their Railway, to enable them to raise further Capital for the Completion of their Undertaking, and to make Arrangements as to their Share and borrowed Capital; and for other Purposes.

ciii. An Act for lighting with Gas the Town of *Northampton* and the Neighbourhood thereof in the County of *Northampton*.

civ. An Act for enabling the *Battersea Park* Commissioners to sell and the *West End of London and Crystal Palace* Railway Company to purchase Pieces of Land situate near the South End of the new Bridge leading from *Chelsea* to *Battersea Park*, for Lease of Undertaking to the *London, Brighton, and South Coast* Railway Company, for extending the Time for completing Extension to *Farnborough;* and for other Purposes.

cv. An Act for constructing a Market, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Hamlet of *Canton* in the County of *Glamorgan*, to be called "The *Llandaff* and *Canton* District Markets."

cvi. An Act for vesting the Undertaking of the *Blackburn* Railway Company in the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies; and for other Purposes.

cvii. An Act for enabling the *East Kent* Railway Company to extend their Railway from *Strood* to join the *Mid Kent*

Railway (*Bromley* to *Saint Mary's Cray*); and for other Purposes connected with their Undertaking.

cviii. An Act for making a Railway from the *Great North of Scotland* Railway to *Old Deer*, and thence to *Peterhead* and *Fraserburgh*, with a Branch to *Ellon*, all in the County of *Aberdeen*, to be called "The *Formartine and Buchan* Railway."

cix. An Act for consolidating and amending the Acts of the *North British* Railway Company, and for authorizing Alterations in the *Leith* and *Fisherrow* or *Musselburgh* Branches thereof, and for other Purposes.

cx. An Act for extending the Powers of the *Shrewsbury and Welchpool* Railway Company for purchasing Lands and completing their Railway; and for other Purposes.

cxi. An Act for the Amalgamation of the Undertakings of the *East Suffolk* Railway Company, the *Yarmouth and Haddiscoe* Railway Company, and the *Lowestoft and Beccles* Railway Company; for leasing the same; and for other Purposes.

cxii. An Act for making a Railway from *Athenry* to *Tuam* in the County of *Galway*, and for other Purposes.

cxiii. An Act to authorize the *Great Northern* and the *Manchester, Sheffield, and Lincolnshire* Railway Companies to work in common, and for certain other Purposes relating to the *Great Northern* Railway.

cxiv. An Act for making a Railway from or near *Guisbrough* to or near to *Skinningrove*, all in *Cleveland* in the North Riding of the County of *York*; and for other Purposes.

cxv. An Act for enabling the *Stockton and Darlington* Railway Company to make a new Railway in the County of *Durham* in connexion with the *Wear Valley* and *Stockton and Darlington* Railways; to acquire additional Lands; and for other Purposes.

cxvi. An Act for the Amalgamation of the *Stockton and Darlington*, the *Wear Valley*, the *Middlesbrough and Redcar*, the *Middlesbrough and Guisbrough*, and the *Darlington and Barnard Castle* Railway Companies; and for regulating the Capital and Borrowing Powers of the *Stockton and Darlington* Railway Company formed by the Amalgamation; and for other Purposes.

cxvii. An Act for enabling the *Stockton and Darlington* Railway Company to make new Railways in the North Riding of the County of *York*; and for other Purposes.

cxviii. An Act to authorize the Construction of a Station near *Victoria Street, Pimlico*, in the County of *Middlesex*, and of a Railway to connect the same with the *West London*

London and Crystal Palace Railway at *Battersea* in the County of *Surrey*, in order to afford improved Communication between certain of the Railways South of the *Thames* and the Western Districts of the Metropolis; and for other Purposes.

cxix. An Act for making a Railway Communication between *Dublin* and *Meath*.

cxx. An Act for the Improvement of the Western Parts of the Parish of *Hove* in the County of *Sussex*, and for establishing more efficient Police Regulations within the whole of the said Parish.

cxxi. An Act to make Provision for better supplying *Birkenhead* and *Claughton* with Gas and Water, and for transferring the Undertaking of the *Birkenhead and Claughton* Gas and Water Company to the *Birkenhead* Improvement Commissioners; and for other Purposes.

cxxii. An Act for making a Railway from the *Tillicoultry* Station of the *Stirling and Dunfermline* Railway to the *Fife and Kinross* Railway at *Hopefield*, to be called "The *Devon Valley* Railway," and for other Purposes in relation thereto.

cxxiii. An Act to confer further Powers upon the *Oxford, Worcester, and Wolverhampton* Railway Company with respect to the Completion, Alteration, or Abandonment of certain of their Branch Railways, and to authorize certain Arrangements with respect to their Share Capital and the Purchase of the *Stratford-upon-Avon* Canal; and to amend the Acts relating to the Company; and for other Purposes.

cxxiv. An Act to authorize the making of a Turnpike Road from *Thames Street* in the Parish of *Clewer* in the Borough of *New Windsor* in the County of *Berks* to *Oxford Road* in the said Parish; and for other Purposes.

cxxv. An Act for carrying into effect an Agreement between the *Ribble Navigation* Company and Sir *Thomas George Hesketh* Baronet.

cxxvi. An Act to enable the *Newport, Abergavenny, and Hereford* Railway Company to divert their Railway in the Parish of *Aberdare* in *Glamorganshire;* and to confer upon them other Powers.

cxxvii. An Act to enable the *Whitehaven Junction* Railway Company to construct new Branches, to widen their Line, to erect Shipping Places and other Works, to raise a further Sum of Money; and for other Purposes.

cxxviii. An Act to empower the *Lancaster and Carlisle* Railway Company to abandon a Part of the *Lancaster and Carlisle and Ingleton* Railway, and to alter and divert certain

certain Roads in connexion with their Railway; to acquire additional Lands; and for other Purposes.

cxxix. An Act to incorporate the *Crystal Palace District* Gas Company; to enable the said Company to raise further Money; to authorize the Company to contract for and purchase the Undertaking, Land, and Premises of the *Sydenham* Gas and Coke Company; and for other Purposes connected therewith.

cxxx. An Act to authorize Arrangements between the *Chester and Holyhead* Railway Company and *London and North-western* Railway Company, and to authorize the *Chester and Holyhead* Railway Company to raise a further Sum of Money; and for other Purposes.

cxxxi. An Act for enabling the *London and North-western* Railway Company to construct Works and to acquire additional Lands in the Counties of *Salop*, *Middlesex*, *Hertford*, *Buckingham*, *Warwick*, *Chester*, *Stafford*, *Northampton*, *Leicester*, and *Lancaster*; for authorizing Arrangements in reference to "The Improved Postal and Passenger Communication between *England* and *Ireland* Act, 1855;" and for other Purposes.

cxxxii. An Act for the Establishment of a Board of Guardians of the Poor in the Parish of *Saint Leonard, Shoreditch*, in the County of *Middlesex*; and for other Purposes with respect to the Parish.

cxxxiii. An Act to consolidate and amend the Acts relating to the *Stockton, Middlesbrough, and Yarm* Water Company; to change the Name of the Company, and authorize the Construction of additional Works and the raising of further Monies; and for other Purposes.

cxxxiv. An Act to enable the *North Yorkshire and Cleveland* Railway Company to construct a new Branch from their Railway; to make a Deviation in the Main Line and other Works; to alter and amend the Acts relating to the Company; and for other Purposes.

cxxxv. An Act for making further Provision with respect to the *Severn Valley* Railway, in order to the Completion thereof; and for other Purposes.

cxxxvi. An Act to improve the Management of the *Manchester South Junction and Altrincham* Railway.

cxxxvii. An Act to authorize the Construction of a Railway from *Redditch* to the *Midland* Railway.

cxxxviii. An Act to incorporate and regulate the *Great Southern of India* Railway Company, and for other Purposes connected therewith.

cxxxix. An

cxxxix. An Act for extending the Powers of the *Plymouth Great Western* Dock Company, and for other Purposes.

cxl. An Act to alter and improve the Boundaries of the Municipal Borough and District of *Middlesbrough;* to enable the Local Board of Health of the District to enlarge the Market Place; to enable the Corporation to construct Landing Places on the North Side of the River *Tees*, and to establish a public Passage up and over the said River; to transfer the Powers of the Burial Board to the Local Board; and to confer other Powers on the Local Board and the Corporation; and for other Purposes.

cxli. An Act to confer additional Powers on the *Tees* Conservancy Commissioners; to regulate the Fisheries in the River *Tees;* to vest the Anchorage and Plankage Dues in the said Commissioners; to alter and amend their existing Acts; and for other Purposes.

cxlii. An Act to extend the Time for making the *Worcester and Hereford* Railway, and for granting further Powers with respect to that Undertaking.

cxliii. An Act to make further Provisions for vesting the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway in the *Lancashire and Yorkshire* Railway Company, and for other Purposes.

cxliv. An Act for enabling the *Limerick and Castle Connell* Railway Company to extend their Railway from *Castle Connell* to *Killaloe;* to issue Preference Shares; and for other Purposes.

cxlv. An Act for the Abandonment of the *West End of London and Clapham and Norwood Junction* Railway, and for other Purposes.

cxlvi. An Act to enable the *South Wales* Railway Company to acquire additional Lands at *Newport;* and for other Purposes.

cxlvii. An Act for authorizing a Lease of the *Vale of Towy* Railway to the *Llanelly* Railway and Dock Company.

cxlviii. An Act for enabling the *Atlantic* Telegraph Company to create and issue Preference Capital, for the Extension of Borrowing Powers, and Amendment of Act.

cxlix. An Act to consolidate and amend the Acts relating to the River *Clyde* and Harbour of *Glasgow.*

cl. An Act for limiting, defining, and regulating the Capital and Debt of the *Warrington and Stockport* Railway Company; for amending the Acts relating to the Company, and conferring on them further Powers; and for other Purposes relating to the Company.

PRIVATE

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling Mining Leases to be granted of an Estate in the North Riding of *Yorkshire*, late of *Henry Darley* Esquire, deceased, and for other Purposes, and of which the Short Title is "*Darley's* Estate Act, 1858."
2. An Act to confirm certain Arrangements with regard to the Trust Estate of the late *George* Viscount *Keith*, and to enable his Trustees to carry the same into effect.
3. An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Tothill Street* in the City of *Westminster* to the *Westminster Palace* Hotel Company, Limited, and of which the Short Title is "*Westminster Palace* Hotel Company's Act, 1858."
4. An Act to authorize the raising of Money to be expended in permanent Improvements on the Entailed Estates of *Braco, Marr, Carraldstoun*, and others, and the granting of Feus and long Leases of Parts of the said Estates.
5. An Act for vesting Estates of the late Mr *Henry Holroyd* deceased in Trustees for Sale, and for authorizing Grants in Fee and Building Leases for long Terms of Years of the same Estates; and for other Purposes.
6. An Act to grant further Powers and to make further Provisions in respect to the Estates subject to the Trusts of the Will of *Benjamin Hall* Esquire, deceased.
7. An Act for authorizing the Trustees of the late *James Davidson* of *Ruchill* to sell Part of his Lands of *Ruchill, Garrioch*, and *Balgray* in the County of *Lanark*, and to reinvest the Prices of such Lands; and for other Purposes.
8. An Act for regulating the *Dundonald* Bursaries in the University and College of *Glasgow*, and for other Purposes.
9. An Act for authorizing Mining, Building, and other Leases, the obtaining of the Enfranchisement of Copyholds and the Renewal of Leases, and the making of Partitions, Sales, and Exchanges of the Estates devised and bequeathed by the

the Will of *Henry Belward Ray* Esquire, deceased; and for other Purposes.

10. An Act to amend an Act of the Parliament of *Ireland* passed in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act for vesting the Estate of the Right Reverend Father in* God *Doctor* John Stearne, *late Lord Bishop of* Clogher, *deceased, in Trustees, in trust for carrying the charitable and other Bequests of his Will into execution.*

PRIVATE ACT,

NOT PRINTED.

11. An Act to repeal so much of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her present Majesty, intituled *An Act for naturalizing Dame* Marie Louise Pelline De Dalberg Acton *and her infant Son Sir* John Emerich Edward Dalberg Acton *Baronet*, as enacts that the said Sir *John Emerich Edward Dalberg Acton* Baronet shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown, to himself or any other Person or Persons in trust for him.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Aberdeen ; to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein ; and for the Union of the Two Universities and Colleges of Aberdeen 78

Abjuration ; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration ; and for the Relief of Persons professing the Jewish Religion 17

Abolition of Property Qualification of Members of Parliament, for . . 11

Adjournment of Parliament ; to extend 24 Geo. 3. c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145

Administration, Letters of ; to extend over the United Kingdom the Effect of Grants of 23

Administration of Oaths ; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases . . 75

Allegiance ; to substitute One Oath for the Oath of Allegiance, Supremacy, and Abjuration ; and for the Relief of Persons professing the Jewish Religion 17

Animals ; to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . . 39

Art Unions Indemnity ; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes 122

Articles of Manufacture ; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting . 43

Associations (Art Unions) ; to indemnify certain Persons who had formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes 122

Asylums (Lunatic) ; to amend 20 and 21 Vict. c. 71, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums 96

Bankers' Cheques ; to amend the Law relating to Cheques or Drafts on Bankers 76

——— for granting a Stamp Duty on certain Drafts or Orders for the payment of Money 10

Banking (Joint Stock) Companies ; to amend 19 and 20 Vict. c. 47, 20 and 21 Vict. c. 14, and 20 and 21 Vict. c. 49 32

Banking Companies (Joint Stock) ; to enable, to be formed on the Principle of Limited Liability 112

Barrels, Branding of, to impose Fees on, under the Acts concerning Herring Fisheries 42

Page

Branding of Barrels, to impose Fees on, under the Acts concerning Herring Fisheries 42
Burghs, to amend 20 and 21 Vict. c. 72, to render more effectual the Police in 40

Canal Companies; to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47
Cattle; to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . . 39
Cheap Trains; to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47
Cheques; to amend the Law relating to Cheques or Drafts on Bankers . 76
———; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money 10
Colleges; to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen 78
Commissary Courts—(Executors Confirmation); to amend the Laws relating to the Confirmation of Executors, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration 23
Committees (Parliamentary); to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases . . 75
Commons (House of); to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145
Companies (Canal); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47
Companies (Joint Stock), to amend 19 and 20 Vict. c. 47, 20 and 21 Vict. c. 14, and 20 and 21 Vict. c. 49 32
Companies (Joint Stock Banking), to enable, to be formed on the Principle of Limited Liability 112
Companies (Railway); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47
Confirmation of Executors, to amend the Law relating to, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration 23
Constables. *See* Police.
Conveyance of Land; to simplify the Forms and diminish the Expense of completing the Titles to Land 48
Copyright of Designs; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture 43
Corrupt Practices; to continue and amend 17 and 18 Vict. c. 102, to consolidate and amend the Laws relating to Bribery Treating, and undue Influence at Elections of Members of Parliament 94
Counties, Police in, to amend 20 and 21 Vict. c. 72, to render more effectual 40
Crossed Cheques; to amend the Law relating to Cheques or Drafts on Bankers 76
Customs, for the Alteration of certain Duties of 5
Customs, for the further Amendment of the Duties of 9

Designs (Copyright of); to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture 43

Page

Diseases; to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . . 39
Drafts; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money 10
Drafts; to amend the Law relating to Cheques or Drafts on Bankers . 76
Duties of Excise, for granting certain additional Rates and . . . 6
Duties of Customs, for the Alteration of certain 5
Duties of Customs, for the further Amendment of the . . . 9
Duty; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money 10
Duty (Stamp) on Passports, to reduce 12

East India. *See* India.
Edinburgh University, for the better Government and Discipline of, &c. . 78
Elections of Members of Parliament; to continue and amend the Corrupt Practices Prevention Act, 1854. (17 and 18 Vict. c. 102.) . . 94
Election of Members of Parliament; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145
Excise, for granting certain additional Rates and Duties of . . . 6
Executors (Confirmation of), to amend the Law relating to, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration 23

False Pretences, to amend the Law of 17
Fees, to impose, on the Branding of Barrels under the Acts concerning Herring Fisheries 42
Fine Arts. *See* Art Unions.
Fisheries (Herring), to impose Fees on Branding of Barrels under the Acts concerning 42
——— (Salmon), to regulate the Annual Close Time for Salmon Fisheries in the River Tay and its Tributaries and on the Sea Coasts adjoining . *App.*
Friendly Societies, to amend 18 and 19 Vict. c. 63, relating to . . 118

Glasgow University, for the better Government and Discipline of, &c. . 78
Government of India, for the better 124

Herring Fisheries, to impose Fees on Branding of Barrels under the Acts concerning 42
Houses of Parliament; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses 75
House of Commons; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145

India, for the better Government of 124
Insane Persons. *See* Lunatics.

Jewish Religion; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion 17
Jewish Religion, to provide for the Relief of Persons professing the . 20
Joint Stock Companies, to amend 19 and 20 Vict. c. 47, 20 and 21 Vict. c. 14, 20 and 21 Vict. c. 49 32
Joint Stock Banking Companies, to enable, to be formed on the Principle of Limited Liability 112

Land, Titles to, to simplify the Forms and diminish the Expense of completing 48
Law of False Pretences, to amend 17
Legitimacy; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born subjects . . 115

Page

Limited Liability, to enable Joint Stock Banking Companies to be formed on the Principle of 112
Lottery; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes 122
Lunatics; to amend 20 and 21 Vict. c. 71, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums 96

Manufactures; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting Articles of Manufacture 43
Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects . . 115
Medical Practitioners, to regulate the Qualifications of 97
Members of Parliament; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145
Members of Parliament (Elections of); to continue and amend the Corrupt Practices Prevention Act, 1854. (17 and 18 Vict. c. 102) . . 94
Militia, to continue 20 and 21 Vict. c. 82, to authorize the embodying of the 2
Militia, further to continue 20 and 21 Vict. c. 82, to authorize the embodying of the 93
Money, for granting a Stamp Duty on certain Drafts or Orders for the Payment of 10

New Writs; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . 145

Oaths; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion 17
Oaths; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases 75
Orders; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money 10

Parliament; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses 75
Parliament, (Members of); to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145
————, to abolish the Property Qualification of *11
Parliament, Elections of Members of; to continue and amend the Corrupt Practices Prevention Act, 1854. (17 and 18 Vict. c. 102) . . 94
Passports, to reduce the Stamp Duty on 12
Payment of Money, for granting a Stamp Duty on certain Drafts or Orders for the 10
Physicians. *See* Medical Practitioners.
Police; to amend 20 and 21 Vict. c. 72, to render more effectual the Police in Counties and Burghs 40
Practitioners in Medicine and Surgery, to regulate the Qualifications of . 97
Pretences (False), to amend the Law of 17
Prizes. *See* Art Unions.
Probate (Grants of); to amend the Law relating to the Confirmation of Executors, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration . 23
Property Qualification of Members of Parliament, to abolish . . *11
Prorogation of Parliament; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145

Page

Qualification of Members of Parliament, to abolish the Property . . *11
Qualifications of Practitioners in Medicine and Surgery, to regulate . . 97

Railway Companies; to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47
Recess of the House of Commons; to extend 24 Geo. 3, c. 26. for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment 145
Relief; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion 17
—— to provide for, of Persons professing the Jewish Religion . . 20

St Andrews University, for the better Government and Discipline of, &c. . 73
Salmon Fisheries; to regulate the Annual Close Time for Salmon Fisheries in the River Tay and its Tributaries and on the Sea Coasts adjoining . *App.*
Sheep; to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . . 39
Societies (Friendly), to amend 18 & 19 Vict. c. 63, relating to . . 118
Spirits. *See* Excise Customs.
Stamp Duty; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money 10
—— Duty on Passports, to reduce 12
Supremacy; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion 17
Surgery, Practitioners in Medicine and, to regulate the Qualifications of . 97

Tay (River); to regulate the Annual Close Time for Salmon Fisheries in the River Tay and its Tributaries and on the Sea Coasts adjoining . . *App.*
Titles to Land, to simplify the Forms and diminish the Expense of completing 48
Trains (Cheap); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies 47

Unions (Art) Indemnity; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes 122
Universities; to make Provision for the better Government and Discipline of the Universities of Scotland, and in forming and regulating the Course of Study therein; and for the Union of the Two Universites and Colleges of Aberdeen 73

Validity of Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects 115

Witnesses, to enable the Committees of both Houses of Parliament to administer Oaths to 75
Works of Utility and Ornament; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes 122
Writs; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . . 145

INDEX

TO

THE PUBLIC GENERAL STATUTES,

21° & 22° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. „ „ „ „ „ Great Britain.
E. „ „ „ „ „ England.
S. „ „ „ „ „ Scotland.
I. „ „ „ „ „ Ireland.
W. „ „ „ „ „ Wales.

Aberdeen, Universities; to make Provision for the better Government and Discipline of the Universities of Scotland, and for the Union of the Two Universities and Colleges of Aberdeen . . . . . Cap. 83. S.
Abjuration, Oath of; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion . . . . . Cap. 48. G. B. & I.
Abolition of Franchise Prisons, for . . . . . Cap. 22. E.
——— of Property Qualification of Members of Parliament, for Cap. 26. G. B. & I.
——— of Foot Passenger Tolls on Chelsea Bridge, after Payment of the Sum of £80,000 and Interest, for . . . . . Cap. 66. E.
——— of Toll on the Bridge over the Shannon at Portumna, for Cap. 23. I.
Adjourment of Parliament; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . . . . . Cap. 110. G. B. & I.
Administration, Letters of; to amend 20 and 21 Vict. c. 77 . Cap. 95. E.
——————— to extend over the United Kingdom the Effect of Grants of Cap. 56. G. B. & I.
——————— of Oaths; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases . Cap. 78. G. B. & I.
Advances for Navigations; to extend the Time for making Advances towards Navigations in Ireland, under the Provisions of 19 and 20 Vict. c. 62 Cap. 41. I.
Albreda; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Portendic and Albreda Cap. 35. U. K.
Allegiance, &c., Oaths of; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion . . . . . Cap. 48. G. B. & I.
Allotment of Lands, to provide for, within the Boundaries of the late Forest of Hainault . . . . . Cap. 37. E.

Animals, Diseases among; to continue 11 and 12 Vict. c. 107, 16 and 17 Vict. c. 62, and 19 and 20 Vict. c. 101, to prevent the spreading of Cap. 62. U. K.
Annuities; to settle Annuities on Lady and Sir H. M. Havelock, in consideration of the eminent Services of the late Major-General Havelock . Cap. 2. U. K.
Appointments; to continue Appointments under 14 and 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissioners, . Cap. 53. E.
——— to appoint a Clerk of Nisi Prius, and to make Provision for the Appointment of Tipstaffs, in the Superior Courts in Ireland . Cap. 52. I.
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1858, and to appropriate the Supplies granted in this Session of Parliament . . Cap. 107. U. K.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 9. U. K.
——— to revive and continue 18 and 19 Vict. c. 4, amending the Act for limiting the Time of Service in the Army . . . . Cap. 55. U. K.
——— *See also* Militia.
Arrangements for Relief of Turnpike Trusts, to confirm certain Provisional Orders made under 14 and 15 Vict. c. 38, to facilitate . . Cap. 80. E.
Articles of Manufacture, to amend 5 and 6 Vict. cap. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Cap. 70. U. K.
Art Unions; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance, or otherwise as Prizes . . . . . Cap. 102. U. K.
Assistant Barristers; to amend 14 and 15 Vict. c. 57, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors Cap. 86. I.
Associations (Art Unions); to indemnify certain Persons who had formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes . . . . . Cap. 102. U. K.
Asylums (Lunatics); to amend 20 and 21 Vict. c. 71, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums . . . . . Cap. 89. S.

Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . Cap. 39. G. B. & I.
Bank Issues Indemnity; to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues for a Time to be limited . Cap. 1. E.
Bankers' Drafts or Cheques; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . Cap. 20. G. B. & I.
——— to amend the Law relating to . . . Cap. 79. G. B. & I.
Banking (Joint Stock) Companies; to amend 19 and 20 Vict. c. 47, 20 and 21 Vict. c. 14, and 20 and 21 Vict. c. 49 . . . Cap. 60. G. B. & I.
Banking Companies (Joint Stock); to enable, to be formed on the Principle of Limited Liability . . . . . Cap. 91. G. B. & I.
Barrels, Branding of; to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries in Scotland . . . Cap. 69. S.
Bastardy Returns; to repeal certain Enactments requiring Returns to be made to Secretary of State . . . . . Cap. 67. E.
Births, Registration of; to amend 7 W. 4. and 1 Vict. c. 22, for Registering Births, Deaths, and Marriages . . . . . Cap. 25. E.
Bishoprick of Durham; to amend the Provisions of 6 and 7 W. 4 c. 19, for separating the Palatine Jurisdiction of the County Palatine from the Bishoprick of Durham . . . . . Cap. 45. E.
Bishops Trusts Substitution; to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [for Charitable or public Purposes] . . . . . Cap. 71. E.
Bombay, Chief-Justice of; to make valid certain Acts of the late Chief-Justice of Bombay [Sir W. Yardley, Knight] . . . . Cap. 32. U. K.
Branding of Barrels, to impose Fees on, under the Acts concerning the Herring Fisheries in Scotland . . . . . Cap. 69. S.
Bridges. *See* Chelsea Bridge. Portumna Bridge.

Bristol, for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of Saint Nicholas and Saint Leonard in the City of Cap. 31. E.
——— for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of . . . . . Cap. 30. E.
British Columbia, to provide for the Government of . . Cap. 99. U. K.
Burghs, to amend 20 and 21 Vict. c. 72, to render more effectual the Police in Cap. 65. S.

Cambridge University; to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, &c., power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions . Cap. 44. E.
——————— to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge . . . Cap. 11. E.
Canal Companies; to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 75. G. B. & I.
Cattle, Diseases among; to continue 11 and 12 Vict. c. 107, 16 and 17 Vict. c. 62, and 19 and 20 Vict. c. 101, to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . . Cap. 62. U. K.
Chancery; to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster . . . . . Cap. 27. E. & I.
Chapels, &c.; further to amend the Law relating to the Erection and Endowment of Churches, Chapels, &c. . . . . Cap. 59. I.
Charitable Trusts; further to continue the Exemption of certain Charities [Roman Catholic Charities] from the Operation of the Charitable Trusts Acts Cap. 51. E.
——————— to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts . . Cap. 71. E.
Charity Commissioners, for confirming a Scheme of the, for Sir Eliab Harvey's Charity in the Town of Folkestone . . . . Cap. 29. E.
——————— —— for confirming a Scheme of the, for certain Municipal Charities in the City of Bristol . . . . . Cap. 30. E.
——————— —— for confirming a Scheme of the, for certain Charities in the Parishes of Saint Nicholas and Saint Leonard, Bristol . Cap. 31. E.
——————— for confirming a Scheme of the, for Cowley's Charity in the Parish of Swineshead, (Lincoln) . . . . . Cap. 81. E.
Cheap Trains; to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 75. G. B. & I.
Chelsea Bridge; to amend 9 and 10 Vict. c. 39, and to abolish Foot Passenger Tolls on Chelsea Bridge after Payment of the Sum of £80,000 and Interest Cap. 66. E.
Chelsea Hospital, &c.; to confirm a contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital . . . . . Cap. 21. E.
——————— ——— to effect an Exchange between the Commissioners of the Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster Cap. 18. E.
Cheques on Bankers; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . . Cap. 20. G. B. & I.
——————— to amend the Law relating to Cheques or Drafts on Bankers Cap. 79. G. B. & I.
Churches, Chapels, &c.; further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in Ireland Cap. 59. I.
Civil Bills; to amend 14 and 15 Vict. c. 57, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, &c. Cap. 88. I.

Clerk of Nisi Prius; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court, &c. . . . . Cap. 52. I.
Clerk of Petty Sessions, to regulate the Office of . . . . Cap. 100. I.
Clerk of the Peace, to provide for the Conveyance of County Property to Cap. 92. E.
Chief Justice of Bombay; to make valid certain Acts of the late Chief Justice of Bombay [Sir W. Yardley, Knight] . . . . Cap. 32. U. K.
Colleges; to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen Cap. 83. S.
Colleges. *See also* Universities.
Columbia, British; to provide for the Government of British Columbia Cap. 99. U. K.
Commissary Courts—(Executors Confirmation); to amend the Laws relating to the Confirmation of Executors, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration . . . . . Cap. 56. G. B. & I.
Commissioners of Chelsea Hospital. *See* Chelsea Hospital.
——————— of Works. *See* Chelsea Bridge. Dublin. Edinburgh.
——————— for the Exhibition of 1851; for releasing the Lands of the Commissioners, upon the Repayment of Monies granted in aid of their Funds Cap. 36. E.
Committees of Houses of Parliament enabled to administer Oaths to Witnesses in certain Cases . . . . . Cap. 78. G. B. & I.
Commons (House of); to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment Cap. 110. G. B. & I.
——————— Inclosure, to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales Cap. 8. E.
——————— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales . Cap. 61. E.
——————— to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault (Essex) . . . Cap. 37. E.
Companies (Canal); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies . . . . . Cap. 75. G. B. & I.
Companies (Joint Stock), to amend 19 and 20 Vict. c. 47. 20 and 21 Vict. c. 14, and 20 and 21 Vict. c. 49 . . . . . Cap. 60. G. B. & I.
Companies (Joint Stock Banking), to enable, to be formed on the Principle of Limited Liability . . . . . Cap. 91. G. B. & I.
Companies (Railway); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies . . . . . Cap. 75. G. B. & I.
Confirmation of Executors, to amend the Law relating to, in Scotland, and to extend over all Parts of the United Kingdom the effect of such Confirmation, and of Grants of Probate and Administration . . . Cap. 56. G. B. & I.
Consolidated Fund, to apply the Sum of £10,000,000 out of, to the Service of the Year 1858 . . . . . Cap. 5. U. K.
——————— to apply the Sum of £500,000 out of, to the Service of the Year ending 31st March 1858 . . . . . Cap. 6. U. K.
——————— to apply the Sum of £11,000,000 out of, to the Service of the Year 1858 . . . . . Cap. 17. U. K.
——————— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1858, and to appropriate the Supplies granted in this Session of Parliament . . . Cap. 107. U. K.
——————— to repeal certain Provisions of 18 and 19 Vict. c. 18, and 19 and 20 Vict. cc. 6, 21, for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt . . . Cap. 38. U. K.
Consolidated Nisi Prius Court; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland, &c. . . . . Cap. 52. I.
Constables. *See* Police.

Contagious Diseases Prevention ; to continue 11 and 12 Vict. c. 107, 16 and 17 Vict. c. 62, and 19 and 20 Vict. c. 101, to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals . Cap. 62. U. K.
Convention with the Emperor of the French relative to Portendic and Albreda, to remove Doubts as to the Operation of . . . . Cap. 35. U. K.
Conveyance of County Property to the Clerk of the Peace, to provide for Cap. 92. E.
Conveyance of Land ; to simplify the Forms and diminish the Expense of completing the Titles to Land . . . . . Cap. 76. S.
Copyhold Acts ; to amend the Copyhold Acts 4 and 5 Vict. c. 35, 6 and 7 Vict. c. 23, 7 and 8 Vict. c. 55, 15 and 16 Vict. c. 51, and 16 and 17 Vict. c. 57 Cap. 94. E.
Copyhold and Inclosure Commissions, &c. ; to continue Appointments under 14 and 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions Cap. 53. E.
Copyright of Designs ; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture . . . . . Cap. 70. U. K.
Cornwall Submarine Mines ; to declare and define the respective Rights of Her Majesty and of the Prince of Wales and Duke of Cornwall to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of Cornwall . . . . . Cap. 109. E.
Corrupt Practices ; to continue and amend 17 and 18 Vict. c. 102, to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament . . . Cap. 87. G. B. & I.
Counties ; to amend the Law concerning detached Parts of Counties Cap. 68. E.
——— and Burghs ; to amend 20 and 21 Vict. c. 72, to render more effectual the Police in . . . . . Cap. 65. S.
County Court Districts, for the Re-arrangement of, among the Judges thereof Cap. 74. E.
County Management ; for the better Management of County Rates Cap. 33. E.
County Property, to provide for the Conveyance of, to the Clerk of the Peace Cap. 92. E.
Court for Divorce and Matrimonial Causes ; to amend 20 and 21 Vict. c. 85 Cap. 108. E.
Court of Probate ; to amend 20 and 21 Vict. c. 77 . . . Cap. 95. E.
Cowley's Charity ; for confirming a Scheme, as amended, of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead (Lincoln) Cap. 81. E.
Crossed Cheques ; to amend the Law relating to Cheques or Drafts on Bankers Cap. 79. G. B. & I.
Customs, for the Alteration of certain Duties of . . . Cap. 12. U. K.
——— for the further Amendment of the Duties of . . Cap. 16. U. K.

Deaths, Registration of ; to amend 3 and 4 Vict. c. 92, concerning Non-parochial Registers, and 6 and 7 Vict. cc. 85, 86, and 7 W. 4, and 1 Vict. c. 22, for Marriages, and for registering Births, Deaths, and Marriages . . Cap. 25. E.
Declaration of Legitimacy ; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects Cap. 93. G. B. & I.
Degrees, University, to repeal the Stamp Duties paid on, in Cambridge University . . . . . Cap. 11. E.
Desertion. *See* Mutiny.
Designs, Copyright of ; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture . . . . . Cap. 70. U. K.
Detached Parts of Counties, to amend the Law concerning . . Cap. 68. E.
Diseases among Cattle, to continue 11 and 12 Vict. c. 10, 16 and 17 Vict. c. 62, and 19 and 20 Vict. c. 101, to prevent the spreading of . . Cap. 62. U. K.
Districts of the County Courts ; for the Re-arrangement of Courts among the Judges . . . . . Cap. 74. E.
Divorce and Matrimonial Causes ; to amend 20 and 21 Vict. c. 85 . Cap. 108. E.

Drafts on Bankers, &c.; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . . Cap. 20. G. B. & I.
——————— to amend the Law relating to Cheques or Drafts on Bankers Cap. 79. G. B. & I.
Drainage of the Metropolis, extending the Powers of the Metropolitan Board of Works for the . . . . . Cap. 104. E.
Dublin; for enabling the Commissioners of Public Works in Ireland to acquire certain Lands for the Site of new Courts and Buildings, in extension of the Four Courts, Dublin . . . . . Cap. 84. I.
Durham, County Palatine Jurisdiction, to amend the Provisions of 6 and 7 W. 4. c. 19, for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham . . . . . Cap. 45. E.
Durham University: to give Power to the University of Durham to sell, enfranchise, and exchange Lands, &c., and also to grant Leases for Agricultural, Building, and Mining Purposes, &c. . . . . Cap. 44. E.
Duties of Excise, for granting certain additional Rates and . . . Cap. 15. U. K.
——— of Customs, for the Alteration of certain . . . Cap. 12. U. K.
——————— for the further Amendment of the . . Cap. 16. U. K.
Duty; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . . Cap. 20. G. B. & I.
Duty (Stamp) on Passports, to reduce . . . Cap. 24. G. B. & I.

East Indies; for the better Government of India . . Cap. 106. U. K.
——————— for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India . . Cap. 3. U. K.
——————— to make valid certain Acts of the late Chief Justice of Bombay [Sir W. Yardley] . . . . . Cap. 32. U. K.
——— —— to settle Annuities on Lady Havelock and Sir Henry Marshman Havelock, in consideration of the eminent Services of the late Major-General Havelock . . . . . Cap. 2. U. K.
Ecclesiastical Corporations; to amend 5 and 6 Vict. c. 108, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years Cap. 57. E.
Ecclesiastical Jurisdiction, to continue certain temporary Provisions in 10 and 11 Vict. c. 98, concerning . . . . . Cap. 50. E.
Edinburgh; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office, &c. . . . . Cap. 40. S.
——————— University, for the better Government and Discipline of, &c. Cap. 83. S.
Elections, Parliamentary; to continue and amend the Corrupt Practices Prevention Act, 1854 [17 and 18 Vict. c. 102] . . . Cap. 87. G. B. & I.
——————————— to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment Cap. 110. G. B. & I.
Embodiment of the Militia; to continue 20 and 21 Vict. c. 82, authorizing the embodying of the Militia . . . . Caps. 4 and 86. G. B. & I.
Erection and Endowment of Churches, &c., further to amend the Law relating to Cap. 59. I.
Estates, Incumbered; to amend "The West Indian Incumbered Estates Act, 1854" [17 and 18 Vict. c. 117] . . . . . Cap. 96. U. K.
Estates, Settled; to amend and extend the Settled Estates Act of 1856 [19 and 20 Vict. c. 120] . . . . . Cap. 77. E. & I.
Eton College, to give Power to, to sell, enfranchise, and exchange Lands, and to grant Leases, &c. . . . . Cap. 44. E.
Exchange of Lands; to Effect an Exchange of Lands between the Commissioners of Chelsea Hospital and the Chelsea Waterworks Company . Cap. 18. E.
Exchequer Bills and Bonds; for raising the Sum of £20,911,500 by Exchequer Bills, for the Service of the Year 1858 . . . . Cap. 13. U. K.
——— —— ——— for raising the Sum of £2,000,000 by Exchequer Bonds Cap. 14. U. K.
Excise, for granting certain additional Rates and Duties of . . Cap. 15. U. K.
Executors (Confirmation of), to amend the Law relating to, and to extend over all

Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration . . . . Cap. 56. G. B. & I.
Exhibition of 1851; for releasing the Lands of the Commissioners, upon the Repayment of Monies granted in aid of their Funds . . Cap. 36. E.

False Pretences, to amend the Law of . . . Cap. 47. G. B. & I.
Fine Arts. *See* Art Unions.
Fisheries (Herring); to impose Fees on the Branding of Barrels under the Acts concerning . . . . . Cap. 69. S.
Folkestone, for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity in the Town of . . . Cap. 29. E.
Foot Passengers Tolls on Chelsea Bridge, to abolish, after Payment of the Sum of Eighty thousand Pounds . . . . . Cap. 66. E.
Forest of Hainault, to provide for the Allotment of the Commonable Lands within the Boundaries of the . . . . . Cap. 37. E.
Four Courts, Dublin; for enabling the Commissioners of Public Works to acquire Lands for the Site of new Courts and Buildings in extension of the Four Courts, Dublin . . . . . Cap. 84. I.
France; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Portendic and Albreda Cap. 35. U. K.
Franchise, Municipal; to amend the Municipal Franchise in certain Cases Cap. 43. E.
Franchise Prisons, for the Abolition of . . . . Cap. 22. E.
Friendly Societies, to amend 18 and 19 Vict. c. 63. relating to Cap. 101. G. B. & I.
Funded Debt, Reduction of; to repeal certain Provisions of 18 and 19 Vict. c. 18. and 19 and 20 Vict. cc. 6, 21; for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt . . Cap. 38. U. K.

General Board of Health; to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton (W. R. York.) . . . . . Cap. 10. E.
——————— to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts Cap. 98. E.
——————— for vesting in the Privy Council certain Powers for the Protection of the Public Health . . . . Cap. 97. E.
General Post Office, Edinburgh; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office . . . . . Cap. 40. S.
Glasgow University, for the better Government and Discipline of, &c. Cap. 83. S.
Government of British Columbia, to provide for the . . Cap. 99. U. K.
——— of India; for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India . Cap. 3. U. K.
——————— for the better Government of India . Cap. 106. U. K.
Governor, &c. of Bank of England. *See* Bank Issues Indemnity.
Grants of Probate and Administration, to extend over the United Kingdom the Effect of . . . . . Cap. 56. G. B. & I.

Hainault Forest; to provide for the Allotment of the Commonable Lands within the Boundaries of . . . . . Cap. 37. E.
Harvey's Charity; for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity, Folkestone . . . . Cap. 29. E.
Havelock (Lady and Sir H. M.); to settle Annuities on them, in consideration of the eminent Services of the late Major-General Havelock . . Cap. 2. U. K.
Health, Public. *See* General Board of Health.
Herring Fisheries; to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries . . . . . Cap. 69. S.

High Court of Chancery; to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster . . . . . Cap. 27. E. & I.
House of Commons; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment Cap. 110. G. B. & I.
Houses of Parliament; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses . . . . . Cap. 78. G. B. & I.

Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners . . . Caps. 8 and 61. E.
———————— to continue Appointments under 14 and 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions . Cap. 53. E.
Incumbered Estates, West Indies; to amend the West Indian Incumbered Estates Act, 1854 [17 and 18 Vict. c. 117] . . . . Cap. 96. U. K.
Indemnity; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively . . . . . Cap. 54. G. B. & I.
———————— to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues . . . . . Cap. 1. E.
———————— to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes . . . . . Cap. 102. U. K.
India, for the better Government of . . . . Cap. 106. U. K.
India. *See also* East Indies. West Indies.
Insane Persons. *See* Lunatics.
Insolvent Debtors; to amend 14 and 15 Vict. c. 57, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors . . . . . Cap. 88. I.
Issue of Bank Notes, to indemnify the Governor, &c. of Bank of England in respect of certain, &c. . . . . Cap. 1. E.

Jews; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion . . . . . Cap. 48. G. B. & I.
——— to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion . . . . . Cap. 49. G. B. & I.
Joint Stock Companies, to amend 19 and 20 Vict. c. 47, 20 and 21 Vict. c. 14, 20 and 21 Vict. c. 49 . . . . . Cap. 60. G. B. & I.
Joint Stock Banking Companies, to enable, to be formed on the Principle of Limited Liability . . . . . Cap. 91. G. B. & I.
Judges of the County Courts; for the Re-arrangement of the Districts of the County Courts among the Judges thereof . . . . . Cap. 74. E.
Judgments; to amend 13 and 14 Vict. c. 2, to amend the Laws concerning Judgments in Ireland . . . . . Cap. 105. I.
Jura Regalia of County Palatine of Durham, to make further Provision with respect to . . . . . Cap. 45. E.
Jurisdiction, Ecclesiastical; to continue certain temporary Provisions in 10 and 11 Vict. c. 98, concerning Ecclesiastical Jurisdiction . . . Cap. 50. E.
Justices of the Peace, to amend the Law concerning the Powers of, in certain Cases Cap. 73. E.
Juvenile Offenders, to promote and regulate Reformatory Schools for Cap. 103. I.
———————— to repeal certain Enactments requiring Returns relating to, to be made to Secretary of State . . . . . Cap. 67. E.

Lancaster, County Palatine of; to amend the Course of Procedure in the Court of Chancery of the County Palatine of Lancaster . . Cap. 27. E. & I.

Lands—Inclosure, Sale, Exchange, &c. of; to authorize the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners Caps. 8 and 61. E.

——— to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault Cap. 37. E.

——— to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital . . . . . Cap. 21. E.

——— to effect an Exchange between the Commissioners of Chelsea Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster . . . . . Cap. 18. E.

——— to give to the Universities of Oxford, Cambridge, and Durham, &c. Power to sell, enfranchise, and exchange Lands, &c. . . . . Cap. 44. E.

——— to release the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds . . . . . Cap. 36. E.

——— to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland . . Cap. 76. S.

——— to facilitate the Sale and Transfer of Land in Ireland . . . . . Cap. 72. I.

Law of False Pretences, to amend . . . . . Cap. 47. G. B. & I.

Lead Ores, Tithe of; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham) belonging to the respective Rectors thereof . . . . . Cap. 58. E.

Leases by Ecclesiastical Corporations; to amend 5 and 6 Vict. c. 108 for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years . . . . . Cap. 57. E.

Leases and Sales of Settled Estates; to amend and extend the Settled Estates Act of 1856 [19 and 20 Vict. c. 120] . . . . . Cap. 77. E. & I.

Legitimacy Declaration; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects Cap. 93. G. B. & I.

Letters of Administration; to amend 20 and 21 Vict. c. 77 . Cap. 95. E.

——— to extend over all parts of the United Kingdom the Effect of Confirmation of Executors in Scotland, and of Grants of Probate and Administration . . . . . Cap. 56. U. K.

Limited Liability, to enable Joint Stock Banking Companies to be formed on the Principle of . . . . . Cap. 91. G. B. & I.

Limited Service Act; to revive and continue 18 and 19 Vict. c. 4, amending the Act for limiting the Time of Service in the Army . . Cap. 55. U. K.

Lists and Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . Cap. 39. G. B. & I.

Loan Societies; to continue 3 and 4 Vict. c. 110, to amend the Laws relating to Loan Societies . . . . . Cap. 19. E.

Loans for Public Service. *See* Exchequer Bills and Bonds.

Local Government; to amend the Public Health Act, 1848 [11 and 12 Vict. c. 63], and to make further Provision for the Local Government of Towns and populous Districts . . . . . Cap. 98. E.

Local Management of the Metropolis; to alter and amend 19 and 20 Vict. c. 120, and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis Cap. 104. E.

Lottery; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes . . . . . Cap. 102. U. K.

Lunatics; to amend 20 and 21 Vict. c. 71, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums . . . . . Cap. 89. S.

Magistrates, Stipendiary; to amend the Law concerning the Powers of Cap. 73. E.
Main Drainage of the Metropolis; to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c. . . Cap. 104. E.
Manufacture, Articles of; to amend 5 and 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Cap. 70. U. K.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . . Cap. 7. U. K.
Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects . Cap. 93. G. B. & I.
——— to remove Doubts as to the Validity of certain Marriages of British Subjects abroad [Moscow, Tahiti, and Ningpo] . . Cap. 46. U. K.
——— to amend 3 and 4 Vict. c. 92, concerning Non-parochial Registers, and 6 and 7 Vict. cc. 85, 86, and 7 W. 4, and 1 Vict. c. 22, for Marriages, and for registering Births, Deaths, and Marriages in England . . Cap. 25. E.
Matriculation and Degrees, to repeal the Stamp Duties payable on, in the University of Cambridge . . . . . Cap. 11. E.
Matrimonial Causes, Court for; to amend 20 and 21 Vict. c. 85 . Cap. 108. E.
Medical Practitioners; to regulate the Qualifications of . Cap. 90. G. B. & I.
Members of Parliament; to continue and amend the Corrupt Practices Prevention Act, 1854 [17 and 18 Vict. c. 102] . . . Cap. 87. G. B. & I.
——— to abolish the Property Qualifications of Cap. 26. G. B. & I.
——— to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment Cap. 110. G. B. & I.
——— *See also* Jews. New Writs.
Metropolis Local Management; to alter and amend the Metropolis Local Management Act, 1855 [19 and 20 Vict. c. 120], and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis . . . . . Cap. 104. E.
Militia; to continue 20 and 21 Vict. c. 82, authorizing the Embodiment of the Militia Caps. 4 & 86. G. B. & I.
——— to continue 18 and 19 Vict. c. 1, to enable Her Majesty to accept the Services of the Militia out of the United Kingdom . . Cap. 85. U. K.
——— to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . . . Cap. 39. G. B. & I.
——— to defray the Charge of the Pay, Clothing, &c. of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers Cap. 82. G. B. & I.
Mines in Cornwall; to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water Mark within and adjacent to the County of Cornwall, &c. . Cap. 109. E.
Money, for granting a Stamp Duty on certain Drafts or Orders for the Payment of Cap. 20. G. B. & I.
Moscow, Tahiti, and Ningpo; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad . . . . Cap. 46. U. K.
Municipal Charities, City of Bristol, for confirming a Scheme of the Charity Commissioners for . . . . . Cap. 30. E.
Municipal Franchise; to amend the Municipal Franchise in certain Cases Cap. 43. E.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 9. U. K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore Cap. 7. U. K.

Navigation Advances; to extend the Time for making Advances towards Navigations in Ireland under the Provisions of 19 and 20 Vict. c. 62 Cap. 41. I.
New General Post Office, Edinburgh; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, for the Erection of a New General Post Office . . . . Cap. 40. S.

New Writs ; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment Cap. 110. G. B. & I.
Ningpo, Tahiti, and Moscow ; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad . . . . . Cap. 46. U. K.
Nisi Prius ; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court Cap. 52. I.
Non-parochial Registers ; to amend 3 and 4 Vict. c. 92, concerning Non-parochial Registers, and 6 and 7 Vict. cc. 85, 86, and 7 W. 4, and 1 Vict. c. 22 for Marriages, and for registering Births, Deaths, and Marriages in England. Cap. 25 E.
Notes of Bank of England ; to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues . . . . . Cap. 1. E.

Oaths ; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases . . . Cap. 78. G. B. & I.
——— to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration ; and for the Relief of Her Majesty's Subjects professing the Jewish Religion . . . . . Cap. 48. G. B. & I.
Officers in the Militia. *See* Militia.
Offices and Employments, to indemnify such Persons as have omitted to qualify themselves for, and to extend the Time limited for those Purposes respectively . . . . . Cap. 54. G. B. & I.
Orders ; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . . Cap. 20. G. B. & I.
Oxford University ; to give to the Universities of Oxford, Cambridge, and Durham Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees, under proper Reservations and Restrictions . . . . . Cap. 44. E

Palatine Jurisdiction (Durham) ; to amend the Provisions of 6 and 7 W. 4, c. 19, for separating the Palatine Jurisdiction from the Bishoprick of Durham Cap. 45. E.
Parliament, Houses of ; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases . Cap. 78. G. B. & I.
——— (Members of) ; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . . . . . Cap. 110. G. B. & I.
——— Elections of Members of ; to contine and amend the Corrupt Practices Prevention Act 1854 [17 and 18 Vict. c. 102] . Cap. 87. G. B. & I.
Parts of Counties ; to amend the Law concerning detached Parts of Counties Cap. 68. E.
Passports, to reduce the Stamp Duty on . . . Cap. 24. G. B. & I.
Pay, &c., of the Militia ; to defray the Charge of the Disembodied Militia ; to grant Allowances in certain Cases to Subaltern Officers, &c. ; and to authorize the Employment of the Non-commissioned Officers . Cap. 82. G. B. & I.
Payment of Money, for granting a Stamp Duty on certain Drafts or Orders for the Cap. 20. G. B. & I.
Peace Preservation ; to continue the Peace Preservation (Ireland) Act, 1856 [19 and 20 Vict. c. 36] . . . . . Cap. 28. I.
Perpetual Curacies in Ireland, further to amend the Law relating to the Erection and Endowment of . . . . . Cap. 59. I.
Petty Sessions, to regulate the Office of Clerk of . . . Cap. 100. I.
Physicians. *See* Medical Practitioners.
Police ; to amend 20 and 21 Vict. c. 72, to render more effectual the Police in Counties and Burghs . . . . . Cap. 65. S.
——— Returns ; to repeal certain Enactments requiring Returns to be made to Secretary of State . . . . . Cap. 67. E.

Portendic and Albreda; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Cap. 35. U. K.
Portumna Bridge; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna . . . . . Cap. 23. I.
Post Office, Edinburgh; to confer Powers on the Commissioners of Works to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office Cap. 40. S.
Practitioners in Medicine and Surgery, to regulate the Qualifications of Cap. 90. G. B. & I.
Prescription, for shortening the Time of, in certain Cases . . Cap. 42. I.
Pretences, False; to amend the Law of False Pretences . Cap. 47. G. B. & I.
Prince of Wales; to define his Rights as to Mines and Minerals in or under Land below High-water Mark within and adjacent to the County of Cornwall Cap. 109. E.
Prisons; to abolish Franchise Prisons . . . . . Cap. 22. E.
——— to repeal certain enactments requiring Returns relating to Prisons, &c., to be made to One of the Secretaries of State . . . . Cap. 67. E.
Privy Council; for vesting in the Privy Council certain Powers for the Protection of the Public Health . . . . . Cap. 97. E.
Prizes. *See* Art Unions.
Probates and Letters of Administration; to amend 20 and 21 Vict. c. 77 Cap. 95. E.
——— to extend over all Parts of the United Kingdom the Effect of Confirmation of Executors, and of Grants of Probate and Administration Cap. 56. G. B. & I.
Procedure. *See* Chancery.
Property Qualification; to abolish the Property Qualifications of Members of Parliament . . . . . Cap. 26. G. B. & I.
Prorogation of Parliament; to extend 24 Geo. III. c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . . . . . Cap. 110. G. B. & I.
Provisional Orders. *See* Public Health. Turnpike Trusts.
Public Health; to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton (W. R. York.) . . . . . Cap. 10. E.
——— to amend the Public Health Act, 1848 [11 and 12 Vict. c. 63], and to make further Provision for the Local Government of Towns and populous Districts Cap. 98. E.
——— for vesting in the Privy Council certain Powers for the Protection of the Public Health . . . . . Cap. 97. E.
Public Works. *See* Dublin. Edinburgh.
Purification of the Thames, to extend the Powers of the Metropolitan Board of Works for the . . . . . Cap. 104. E.

Qualification of Medical Practitioners, to regulate the . Cap. 90. G. B. & I.
——— of Members of Parliament; to abolish the Property Qualifications of Members of Parliament . . . . Cap. 26. G. B. & I.
——— for Offices and Employments, to indemnify Persons in respect of Omission of . . . . . Cap. 54. G. B. & I.

Railways; to continue "The Railways Act (Ireland), 1851" [14 and 15 Vict. c. 70] Cap. 34. I.
——— to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 75. G. B. & I.
Rates. *See* County Rates. Customs. Excise. Highway Rates.
Recess of the House of Commons; to extend 24 Geo. III. c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment . . . . . Cap. 110. G. B. & I.
Reduction of the Funded Debt, to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the . . . Cap. 38. U. K.

Reformatory Schools; to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland . . . . . Cap. 103. I.
Registration of Births, &c.; to amend 3 and 4 Vict. c. 92, concerning Non-parochial Registers, and 6 and 7 Vict. cc. 85, 86, and 7 W. 4, and 1 Vict. c. 22, for Marriages, and for registering Births, Deaths, and Marriages . Cap. 25. E.
Relief of Turnpike Trusts. *See* Turnpike Trusts.
——— to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion Cap. 48. G. B. & I.
——— to provide for, of Persons professing the Jewish Religion Cap. 49. G. B. & I.
Returns to Secretary of State; to repeal certain Enactments requiring Returns relating to Prisons, Police, Bastardy, Juvenile Offenders, to be made to One of the Secretaries of State . . . . . Cap. 67. E.
Roman Catholic Charities; further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts . . Cap. 51. E.
Royal Marines; for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . . Cap. 7. U. K.

St. Andrew's University, for the better Government and Discipline of, &c. Cap. 83. S.
St. George Hanover Square and St. Margaret Westminster, to effect an Exchange between the Commissioners of Chelsea Hospital and the Chelsea Waterworks Company of Lands in the Parishes of . . . . Cap. 18. E.
St. Mary of Winchester, to give Power to the College of, to sell, enfranchise, and exchange Lands, and also to grant certain Leases, &c. . Cap. 44. E.
St. Nicholas and St. Leonard, Bristol, for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of . . Cap. 31. E.
Sale and Transfer of Land; to facilitate the Sale and Transfer of Land Cap. 72. I.
Sales of Settled Estates; to amend and extend the Settled Estates Act of 1856, [19 & 20 Vict. c. 120.]
Schemes of the Charity Commissioners. *See* Charity Commissioners.
Schools, Reformatory; to promote and regulate Reformatory Schools for Juvenile Offenders . . . . . Cap. 103. I.
Secretary of State Returns, &c.; to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State relating to Prisons, Police, Bastardy, Juvenile Offenders . . . . . Cap. 67. E.
Service in the Army; to revive and continue 18 & 19 Vict. c. 4, amending the Act for limiting the Time of Service in the Army . . Cap. 55. U. K.
Settled Estates; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120.] . . . . . Cap. 77. E. & I.
Shannon River; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna . . . . . Cap. 23. I.
Sheep, &c. Contagious Diseases Prevention; to continue 11 & 12 Vict. c. 107, 16 & 17 Vict. c. 62, and 19 & 20 Vict. c. 101, to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals Cap. 62. U. K.
Skipton (*W. R. York.*), &c., to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Cap. 10. E.
Societies (Friendly), to amend 18 & 19 Vict. c. 63, relating to Cap. 101. G. B. & I.
Spirits, &c.; for the further Amendment of the Duties of Customs Cap. 16. U. K.
——— for granting certain additional Rates and Duties of Excise Cap. 15. U. K.
Stamp Duties; to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge . . . . Cap. 11. E.
——— ——— to reduce the Stamp Duty on Passports . Cap. 24. G. B. & I.
——— ——— for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money . . . . . Cap. 20. G. B. & I.
Stanhope and Wolsingham Rectories; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham)

belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories . . . . Cap. 58. E.
Stipendiary Magistrates; to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases . . Cap. 73. E.
Submarine Mines in Cornwall: to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water mark within and adjacent to the County of Cornwall, &c. Cap. 109. E.

Superior Courts, Ireland. *See* Nisi Prius.
Supremacy; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Persons professing the Jewish Religion Cap. 48. G. B. & I.
Supplies, Appropriation of . . . . . Cap. 107. U. K.
Surgery, Practitioners in Medicine and, to regulate the Qualifications of Cap. 90. G. B. & I.

Suspension of the Militia Ballots. *See* Militia.
Swineshead (*Lincoln*) for confirming a Scheme, as amended, of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead . Cap. 81. E.

Tahiti, Moscow, and Ningpo: to remove Doubts as to the Validity of certain Marriages of British Subjects abroad . . . . Cap. 46. U. K.
Thames River; to alter and amend the Metropolis Local Management Act, 19 & 20 Vict. c. 120, (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c. . . . Cap. 104. E.
Theatre Royal, Edinburgh. *See* General Post Office, Edinburgh.
Tipstaffs, to make Provision for the Appointment of, in the Superior Courts in Ireland . . . . . Cap. 52. I.
Tithe Commutation Acts; to continue Appointments under 14 & 15 Vict. c. 53. for completing Proceedings under the Tithe Commutation Act . Cap. 53. E.
——— or Tenth of Lead Ore. *See* Stanhope and Wolsingham Rectories.
Titles to Land, to simplify the Forms and diminish the Expense of completing Cap. 76. S.
Tolls on Chelsea Bridge; to amend 9 & 10 Vict. c. 3[illegible]; and to abolish Foot Passenger Tolls on Chelsea Bridge after Payment of the Sum of Eighty thousand Pounds and Interest . . . . . Cap. 66. E.
—— on Portumna Bridge; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna . . . . . Cap. 23. I.
Toxteth Park (*Lancaster*), to further declare the Limits of the District of, for the Purposes of the Public Health Act, 1848 . . . Cap. 10. E.
Trains (Cheap); to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 75. G. B. & I.
Transfer of Land; to facilitate the Sale and Transfer of Land . Cap. 72. I
Trusts, Charitable; further to continue the Exemption of certain Charities [Roman Catholic Charities] from the Operation of the Charitable Trusts Acts Cap. 51. E.
——— to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [for Charitable or Public Purposes] Cap. 71. E.
Turnpike Trusts, to confirm certain Provisional Orders made under 14 and 15 Vict. c. 38, to facilitate Arrangements for the Relief of . . Cap. 80. E.
——— to continue certain Turnpike Acts . . . Cap. 63. G. B.

Unions (Art) Indemnity; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes . . . . . Cap. 102. U. K.
Universities; to make Provision for the better Government and Discipline of the Universities of Scotland (St Andrew's, Glasgow, Aberdeen, and Edinburgh), and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen . Cap. 83. S.

Universities; to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, and to the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth at Eton, Power to sell, enfranchise, and exchange Lands, &c. . . . . Cap. 44. E.
———— to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge . . . . . Cap. 11. E.

Vaccination, to amend 16 and 17 Vict. c. 100, concerning . . Cap. 25 E.
———— to make further Provision for the Practice of Vaccination in Ireland Cap. 64. I.
Validity of Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects Cap. 93. G. B. & I.
———— to remove Doubts as to the Validity of certain Marriages of British Subjects abroad [Moscow, Tahiti, and Ningpo] . . . Cap. 46. U. K.

West Indies; to amend "The West Indian Incumbered Estates Act, 1854" [17 and 18 Vict. c. 117] . . . . . Cap. 96. U. K.
Winchester: to give Power to the College of Saint Mary at Winchester to sell, enfranchise, and exchange Lands, and also to grant certain Leases, &c. Cap. 44. E.
Witnesses, to enable the Committees of both Houses of Parliament to administer Oaths to, in certain Cases . . . . Cap. 78. G. B. & I.
Wolsingham (Durham); for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham, belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories . . . . . Cap. 58. E.
Works of Utility and Ornament; to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance, or otherwise as Prizes . . . . . Cap. 102. U. K.
Writs; to extend 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons . . . . . Cap. 110. G. B. & I.

Yardley, Sir W.; to make valid certain Acts of the late Chief Justice of Bombay Cap. 32. U. K.

INDEX

TO THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND

FOR THE YEARS

1848 TO 1857

(11° & 12° VICT. TO 20° & 21° VICT.)

WILLIAM BLACKWOOD AND SONS
EDINBURGH
1858

INDEX

TO

STATUTES AFFECTING SCOTLAND.

11° & 12° VICTORIÆ TO 20° & 21° VICTORIÆ,

1848—1857.

		Page
Abandonment of Railways, to facilitate,	13 and 14 Vict. cap. 83. 1850.	180
Abatement of Income-Tax in respect of Insurance on Lives, to extend for a limited Time 16 and 17 Vict. c. 34, § 54, for providing for, ...	16 and 17 Vict. cap. 91. 1853.	256
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for, . . .	17 and 18 Vict. cap. 40. 1854.	51
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for, . . .	18 and 19 Vict. cap. 35. 1855.	34
——— to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for, . .	20 and 21 Vict. cap. 5. 1857.	4
Absent Persons, for the better Protection of the Property of, ...	12 and 13 Vict. cap. 51. 1849.	36
Accounts of Turnpike Trusts and Bridges; for requiring the Transmission of the Annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges to the Secretary of State to be laid before Parliament, .	12 and 13 Vict. cap. 31. 1849.	25
Acts of Parliament Abbreviation, for shortening the Language used in Acts of Parliament,	13 Vict. cap. 21. 1850.	8
Acts (Local) for amending 9 and 10 Vict. cap. 106, as to preliminary Inquiries in certain Cases of Applications for, ...	11 and 12 Vict. cap. 129. 1848.	226
——— to repeal 11 and 12 Vict. cap. 129, for making preliminary Inquiries in certain Cases of Applications for, and to make other Provisions in lieu thereof, ...	14 and 15 Vict. cap. 49. 1851.	23
Advance of Private Money for Drainage of Lands, ...	12 and 13 Vict. cap. 100. 1849.	65

			Page
Advances of Money; to simplify the Forms of Certificates under 9 and 10 Vict. c. 101, for authorizing the Advance of Money for the Improvement of Land by Drainage,	11 and 12 Vict. cap.	119. 1848.	168
—— to authorize further Advances of Money for Drainage and the Improvement of Landed Property,	13 and 14 Vict. cap.	31. 1850.	12
—— to amend the Acts relating to the Advance of Public Money to promote the Drainage of Land,	19 Vict. cap.	9. 1856.	3
—— to facilitate Emigration from certain distressed Districts, to authorize the Application of,	14 and 15 Vict. cap.	91. 1851.	64
Advertisements, to repeal the Stamp Duty on,	16 and 17 Vict. cap.	63. 1853.	182
Affirmations; to allow Affirmations to be made instead of Oaths in certain Cases,	18 Vict. cap.	25. 1855.	25
Aliens, to authorize the Removal of, from the Realm, for One Year, and to the End of the then next Session of Parliament,	11 Vict. cap.	20. 1848.	21
America (North), to make further Provision for One Year for the Carriage of Passengers by Sea,	11 Vict. cap.	6. 1848.	7
Animals, to prohibit the Importation of, for the purpose of preventing the Introduction of Contagious or Infectious disorders,	11 and 12 Vict. cap.	105. 1848.	153
—— to prevent, until 1st September 1850, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other,	11 and 12 Vict. cap.	107. 1848.	155
—— to continue 11 and 12 Vict. c. 107,	13 and 14 Vict. cap.	71. 1850.	178
—— to continue 11 and 12 Vict. c. 107,	14 and 15 Vict. cap.	69. 1851.	39
—— to extend and continue 11 and 12 Vict. c. 107,	16 and 17 Vict. cap.	62. 1853.	181
—— to continue certain Acts to prevent the spreading of contagious Disorders among Sheep and other,	19 and 20 Vict. cap.	101. 1856.	261
—— for the more effectual Prevention of Cruelty to,	13 and 14 Vict. cap.	92. 1850.	197
—— to amend 13 and 14 Vict. cap. 92, for the more effectual Prevention of Cruelty to,	17 and 18 Vict. cap.	60. 1854.	59
Annuities, to repeal the Laws relating to the Enrolment of,	17 and 18 Vict. cap.	90. 1854.	130
—— *See* also Savings Banks Annuities.			
Arsenic, to regulate the Sale of,	14 Vict. cap.	13. 1851.	5
Arts and Manufactures of the United Kingdom, to allow Spirit of Wine Duty-Free, to be used in,	18 and 19 Vict. cap.	38. 1855.	35
Assessed Taxes (Composition), to continue and amend the Acts for authorizing a Composition for Assessed Taxes,	13 and 14 Vict. cap.	97. 1850.	201
—— to repeal certain Duties of, and to grant other Duties of the same Description,	16 and 17 Vict. cap.	90. 1853.	239
—— to explain and amend 16 and 17 Vict. cap. 90, relating to the Duties of,	17 Vict. cap.	1. 1854.	1
—— to amend the Laws relating to the Payment of Land and Assessed Taxes, and Property and Income-Tax,	20 and 21 Vict. cap.	28. 1857.	39
Assignations of Long Leases, to provide for the Registration and,	20 and 21 Vict. cap.	26. 1857.	24

			Page
Associations, Incorporation and Regulation of Joint-Stock Companies and other, .	19 and 20 Vict. cap.	47. 1856.	46
——— *See* also Joint Stock Companies.			
Bank Notes, to amend 1 Geo. IV. for the further prevention of Forging and Counterfeiting, ...	16 Vict. cap.	2. 1853.	1
Bankers, to amend the Law relating to Drafts on, ...	19 and 20 Vict. cap.	25. 1856.	16
Banking Companies, to amend the Law relating to, ...	20 and 21 Vict. cap.	49. 1857.	49
Banks (Savings), to make further Provision for the Establishment of, for Seamen, .	19 and 20 Vict. cap.	41. 1856.	41
——— to facilitate the Purchase of Government Annuities through the medium of, .	16 and 17 Vict. cap.	45. 1853.	76
Banks (Joint Stock), to amend 7 and 8 Vict. cap. 113, and 9 and 10 Vict. cap. 75, for the Regulation of, ...	17 and 18 Vict. cap.	73. 1854.	70
——— to extend the Period for granting Letters Patent of Incorporation to,	19 Vict. cap.	3. 1856.	2
Bankrupt Law Consolidation; to amend and consolidate the Laws relating to Bankrupts. (*This Act does not apply to Scotland, except as provided in* § cxi.), . .	12 and 13 Vict. cap.	106. 1849.	79
——— amendment of 54 Geo. III. c. 137, relating to Judicial Procedure and Securities for Debts, ...	19 and 20 Vict. cap.	91. 1856.	252
Bankruptcy, to amend the Laws relating to, .	16 and 17 Vict. cap.	53. 1853.	148
——— to consolidate and amend the Laws relating to, ...	19 and 20 Vict. cap.	79. 1856.	171
——— and Real Securities, to remove Doubts as to the Law of, ...	20 and 21 Vict. cap.	19. 1857.	20
Beer, for regulating the Sale of, and of other Liquors, on the Lord's Day, . .	11 and 12 Vict. cap.	49. 1848.	63
—— to repeal and re-impose the Excise Duty on Sugar used in brewing, . .	19 and 20 Vict. cap.	83. 1856.	25
Berwickshire Sheriff and Commissary Courts,	16 Vict. cap.	27. 1853.	14
Bill Chamber, to regulate Procedure in the, .	20 and 21 Vict. cap.	18. 1857.	17
Bills of Lading, to amend the Law relating to,	18 and 19 Vict. cap.	111. 1855.	203
Bills (Private) in the House of Lords; for the more effectual Taxation of Costs on, and to facilitate the Taxation of other Costs on Private Bills in certain Cases, . .	12 and 13 Vict. cap.	78. 1849.	55
Births, to provide for the better Registration of, ...	17 and 18 Vict. cap.	80. 1854.	77
——— to make further Provision for the Registration of, ...	18 Vict. cap.	29. 1855.	30
Boundaries of Burghs; to provide for the Extension of the Boundaries of Burghs, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes, . .	20 and 21 Vict. cap.	70. 1857.	77
Bribery at Elections of Members of Parliament, to consolidate and amend the Laws relating to, ...	17 and 18 Vict. cap.	102. 1854.	161
Bridges, to alter the Mode of Assessing the Funds leviable in County of Inverness for making and maintaining certain Roads and, ...	11 and 12 Vict. cap.	40. 1848.	57
——— for amending the Acts relating to Highland Roads and Bridges, . .	14 and 15 Vict. cap.	66. 1851.	32

		Page
Bridges and Turnpike Roads; Transmission of annual Abstracts and Statements of Trustees of,	12 and 13 Vict. cap. 31. 1849.	25
British Shipping; to amend the Laws in force for the Encouragement of,	12 and 13 Vict. cap. 29. 1849.	15
——— *See* also Shipping.		
British Spirits, to amend the Laws respecting the Warehousing of,	11 and 12 Vict. cap. 122. 1848.	184
British White Herring Fishery, to amend the Acts relating to,	14 and 15 Vict. cap. 26. 1851.	10
Bullion, for regulating the Weights used in Sales of,	16 Vict. cap. 29. 1853.	20
——— *See* also Gold.		
Burghs; to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in Scotland,	15 and 16 Vict. cap. 32. 1852.	23
——— to provide for the supplying of vacancies in the Town Councils of Burghs consequent on irregular Elections,	16 Vict. cap. 26. 1853.	11
——— to enable Burghs to maintain and improve their Harbours,	16 and 17 Vict. cap. 93. 1853.	259
——— to provide for the Extension of the Boundaries of,	20 and 21 Vict. cap. 70. 1857.	77
——— and Counties, to render more effectual the Police in,	20 and 21 Vict. cap. 72. 1857.	133
Burgh Registration; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs,	19 and 20 Vict. cap. 58. 1856.	141
Burial of the Dead, to amend the Laws concerning,	18 and 19 Vict. cap. 68. 1855.	68
——— to amend "The Burial Grounds (Scotland) Act, 1855." (18 and 19 Vict. cap. 68),	20 and 21 Vict. cap. 42. 1857.	44
Caledonian Canal, for incorporating the Commissioners of, and for vesting the Crinan Canal in the said Commissioners,	11 and 12 Vict. cap. 54. 1848.	65
——— to amend 11 and 12 Vict. cap. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon,	20 and 21 Vict. cap. 27. 1857.	34
Canals, for the better Regulation of the Traffic on,	17 and 18 Vict. cap. 31. 1854.	43
——— *See* also Caledonian and Crinan Canals.		
Carriage of Passengers by Sea to North America, to make further Provision for,	11 Vict. cap. 6. 1848.	7
——— for limiting the Number of Passengers to be conveyed in Steam Vessels,	11 and 12 Vict. cap. 81. 1848.	94
——— to amend the Law relating to Carriage of Passengers by Sea,	18 and 19 Vict. cap. 119. 1855.	207
Carriages (Stage), to reduce certain Duties on,	18 and 19 Vict. cap. 78. 1855.	79
Cattle, or other Animals, to prohibit the Importation of, for the purpose of preventing the Introduction of contagious or infectious Disorders,	11 and 12 Vict. cap. 105. 1848.	153
——— to prevent until 1st September 1850 the spreading of contagious or infectious Disorders among,	11 and 12 Vict. cap. 107. 1848.	155

		Page
Cattle, to explain and amend 9 and 10 Vict. cap 96, for the Prevention of contagious and epidemic Diseases,	11 and 12 Vict. cap. 123. 1848.	203
——— continuing 11 and 12 Vict. cap. 107, for preventing the spreading of contagious or infectious Disorders among,	13 and 14 Vict. cap. 71. 1850.	178
——— to continue 11 and 12 Vict. cap. 107, to prevent the spreading of contagious or infectious Disorders among,	14 and 15 Vict. cap. 69. 1851.	39
——— to extend and continue 11 and 12 Vict. cap. 107, to prevent the spreading of contagious or infectious Disorders among,	16 and 17 Vict. cap. 62. 1853.	181
——— to continue certain Acts to prevent the spreading of contagious Disorders among,	19 and 20 Vict. cap. 101. 1856.	261
Certificates (Game), to enable Persons having a Right to kill Hares to do so by themselves or Persons authorized by them, without being required to take out a Game Certificate,	11 and 12 Vict. cap. 30. 1848.	30
Certificates under the Act for authorizing the Advance of Money for the Improvement of Land by Drainage, to simplify the Forms of,	11 and 12 Vict. cap. 119. 1848.	168
——— *See* also Drainage of Land.		
Chancery, to provide for the Payment of the Salaries of the Sheriff and Sheriff Clerk of,	17 and 18 Vict. cap. 72. 1854.	69
Channel Islands, for rendering certain Newspapers published in, liable to Postage,	11 and 12 Vict. cap. 117. 1848.	163
Chelsea Out-Pensioners, to amend the Acts for rendering effective the Service of, and to extend them to the Pensioners of the East India Company,	11 and 12 Vict. cap. 84. 1848.	97
Chelsea and Greenwich Hospitals, for further regulating the Payment of the Out-Pensioners of,	19 Vict. cap. 15. 1856.	9
Children; to amend the Laws relating to the Labour of Children in Factories,	13 and 14 Vict. cap. 54. 1850.	167
——— further to regulate the Employment of Children in Factories,	16 and 17 Vict. cap. 104. 1853.	293
——— for the further Amendment of the Laws relating to the Labour of Children in Factories,	19 and 20 Vict. cap. 38. 1856.	38
——— (Vagrant), to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children,	17 and 18 Vict. cap. 74. 1854.	71
——— for the better Care and Reformation of Youthful Offenders,	17 and 18 Vict. cap. 86. 1854.	126
——— to amend the Act to render Reformatory Schools more available for the Benefit of,	18 and 19 Vict. cap. 87. 1855.	85
——— to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of,	19 and 20 Vict. cap. 28. 1856.	19
——— to amend the Mode of committing, to Reformatory and Industrial Schools,	19 and 20 Vict. cap. 109. 1856.	287
Civil Causes, to allow Verdicts on Trials by Jury in, to be returned, although the Jury may not be unanimous,	17 and 18 Vict. cap. 59. 1854.	58
Civil Debts. *See* Debts.		
Civil Service Superannuation; to repeal the Twenty-seventh Section of the Superannuation Act, 1834 (4 and 5 Will. IV. c. 24),	20 and 21 Vict. cap. 37. 1857.	43

		Page
Coal Mines, for the Inspection of,	13 and 14 Vict. cap. 100. 1850.	239
——— to amend the Laws for the Inspection of,	18 and 19 Vict. cap. 108. 1855.	194
Coasting Trade, to admit Foreign Ships to,	17 Vict. cap. 5. 1854.	4
Coffee, for granting certain Duties of Customs on,	18 Vict. cap. 21. 1855.	8
Coin; to prevent the defacing of the current Coin of the Realm,	16 and 17 Vict. cap. 102. 1853.	292
Colonial Lighthouses, to facilitate the Erection and Maintenance of,	18 and 19 Vict. cap. 91. 1855.	107
Colonies; to provide for the Prosecution and Trial in, of Offences committed within the Jurisdiction of the Admiralty,	12 and 13 Vict. cap. 100. 1849.	65
Commerce and Trade, to amend the Laws affecting,	19 and 20 Vict. cap. 60. 1856.	161
——— (England and Ireland),	19 and 20 Vict. cap. 97. 1856.	*App.*
Commissary Courts. *See* Sheriff Commissary Courts.		
Commissioners of the Caledonian Canal, for incorporating, and for vesting the Crinan Canal in the said Commissioners,	11 and 12 Vict. cap. 54. 1848.	65
——— of Land Tax, Appointment of additional,	11 and 12 Vict. cap. 62. 1848.	75
——— to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes,	16 and 17 Vict. cap. 111. 1853.	332
——— to appoint additional, for executing the Acts for granting a Land Tax, and other Rates and Taxes,	20 and 21 Vict. cap. 46. 1857.	47
——— of Railways, to repeal 9 and 10 Vict. c. 105, for constituting,	14 and 15 Vict. cap. 64. 1851.	30
——— of Supply, to constitute all legally qualified Persons, without being named in an Act of Supply,	19 and 20 Vict. cap. 93. 1856.	256
——— to amend the Commissioners of Supply (Scotland) Act, 1856 (19 and 20 Vict. c. 93),	20 Vict. cap. 11. 1857.	4
Companies (Banking), to amend the Law relating to,	20 and 21 Vict. cap. 49. 1857.	49
——— *See* also Joint Stock Banks.		
——— (Joint Stock), unable to meet their pecuniary Engagements, to amend the Acts facilitating the Winding up the Affairs and Dissolution thereof,	11 and 12 Vict. cap. 45. 1848.	62
——— to amend 11 and 12 Vict. c. 45,	12 and 13 Vict. cap. 108. 1849.	80
——— for the incorporating and regulating of Joint Stock Companies and other Associations (*Limited Liability*),	19 and 20 Vict. cap. 47. 1856.	46
——— to amend 19 and 20 Vict. c. 47,	20 and 21 Vict. cap. 14. 1857.	7
——— further to amend 19 and 20 Vict. c. 47,	20 and 21 Vict. cap. 80. 1857.	173
——— to amend 7 and 8 Vict. c. 111, for Winding up the Affairs of Joint Stock Companies, and also the "Joint Stock Companies Winding up Acts, 1848 and 1849,"	20 and 21 Vict. cap. 78. 1857.	166
Compositions for Assessed Taxes, to continue and amend the Acts for authorizing,	13 and 14 Vict. cap. 97. 1850.	201

		Page
Congregations or Societies associated for purposes of Religious Worship or Education, to render more simple and effectual the Titles by which they hold Real Property required for such Purposes, . .	13 Vict. cap. 13. 1850.	4
Constabulary. *See* Police.		
Contagious or Infectious Disorders, to explain and amend 9 and 10 Vict. c. 96, for the prevention of contagious and epidemic Diseases, ...	11 and 12 Vict. cap. 123. 1848.	203
——— to amend 11 and 12 Vict. c. 123, . . .	12 and 13 Vict. cap. 111. 1849.	81
——— to make better provision for the Removal of Nuisances, and the Health of Towns (*repeals the two preceding Acts*), ...	19 and 20 Vict. cap. 103. 1856.	262
——— to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of Preventing the Introduction of, ...	11 and 12 Vict. cap. 105. 1848.	153
——— to prevent the spreading of, among Sheep, Cattle, and other Animals until 1st September 1850, .	11 and 12 Vict. cap. 107. 1848.	155
——— among Sheep, Cattle, and other Animals, continuing 11 and 12 Vict. c. 107, for preventing the spreading of, ...	13 and 14 Vict. cap. 71. 1850.	178
——— to continue 11 and 12 Vict. c. 107, to prevent the spreading of, among Sheep, Cattle, and other Animals, ...	14 and 15 Vict. cap. 69. 1851.	39
——— among Sheep, Cattle, and other Animals, to extend and continue 11 and 12 Vict. c. 107, to prevent the spreading of, . . .	16 and 17 Vict. cap. 62. 1853.	181
——— to continue certain Acts to prevent the spreading of contagious Disorders among Cattle, .	19 and 20 Vict. cap. 101. 1856.	261
Controverted Elections, to remove certain Doubts as to the Law for the Trial of, .	11 and 12 Vict. cap. 18. 1848.	17
Copper, to reduce the Duties on, . .	11 and 12 Vict. cap. 127. 1848.	225
Copyright of Designs, to extend and amend the Acts relating to, . . .	13 and 14 Vict. cap. 104. 1850.	243
——— to carry into effect a Convention with France on the subject of Copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to Copyright in Engravings, . .	15 Vict. cap. 12. 1852.	3
Corrupt Practices; to consolidate and amend the laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament, ...	17 and 18 Vict. cap. 102. 1854.	161
——— Prevention Act, 1854, to continue, ...	19 and 20 Vict. cap. 84. 1856.	250
Costs; for the more effectual Taxation of, on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases, . .	12 and 13 Vict. cap. 78. 1849.	55
——— Payment of, in Proceedings instituted in behalf of the Crown in matters relating to the Revenue, ...	18 and 19 Vict. cap. 90. 1855.	*105

			Page
Councillors and Magistrates in the Burghs in Scotland, Election of,	15 and 16 Vict. cap.	32. 1852.	23
Counties and Burghs, to render more effectual the Police in,	20 and 21 Vict. cap.	72. 1857.	133
County Election Polls; to amend the Law as to taking the Poll at Elections of Members to serve in Parliament,	16 Vict. cap.	28. 1853.	16
County Elections, to amend 2 and 3 Will. IV. c. 65, so far as relates to the Procedure in,	18 Vict. cap.	24. 1855.	24
——— *See* also Elections.			
Court of Exchequer; for the Amendment of the Procedure and Practice in Crown Suits in the,	18 and 19 Vict. cap.	90. 1855.	*105
——— to constitute the Court of Session the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer,	19 and 20 Vict. cap.	56. 1856.	110
Court of Justiciary, to facilitate and simplify Procedure in,	11 and 12 Vict. cap.	79. 1848.	90
Court of Session in Scotland, to facilitate Procedure in,	13 and 14 Vict. cap.	36. 1850.	144
——— to constitute the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer,	19 and 20 Vict. cap.	56. 1856.	110
——— to regulate the Distribution of Business in the,	20 and 21 Vict. cap.	56. 1857.	55
Courts; to facilitate Procedure in Sheriff Courts,	16 and 17 Vict. cap.	80. 1853.	205
——— of Justice (Scotland), for empowering the Sheriff and Commissary of Berwickshire to hold Courts at Dunse, and for other Purposes,	16 Vict. cap.	27. 1853.	14
——— of Law in England, Ireland, and Scotland enabled to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom,	17 and 18 Vict. cap.	34. 1854.	48
——— of Scotland, to regulate the Institution of Suits in, at the Instance of the Crown and the Public Departments,	20 and 21 Vict. cap.	44. 1857.	45
Criminal and Vagrant Children, to render Reformatory and Industrial Schools more available for the benefit of,	17 and 18 Vict. cap.	74. 1854.	71
——— to amend 17 and 18 Vict. c. 74,	18 and 19 Vict. cap.	87. 1855.	85
——— to make further Provision for rendering Reformatory and Industrial Schools more available for the benefit of,	19 and 20 Vict. cap.	28. 1856.	19
——— to amend the Mode of committing, to Reformatory and Industrial Schools,	19 and 20 Vict. cap.	109. 1856.	287
Crinan Canal, for incorporating the Commissioners of Caledonian Canal, and for vesting in the said Commissioners the,	11 and 12 Vict. cap.	54. 1848.	65
——— to amend 11 and 12 Vict. c. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon,	20 and 21 Vict. cap.	27. 1857.	34
Crown and Government of the United Kingdom, for the better Security of,	11 Vict. cap.	12. 1848.	13

				Page
Crown Suits, for the Payment of Costs in, in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer,	18 and 19 Vict. cap.	90.	1855.	*105
——— to regulate the Institution of Suits at the Instance of the Crown and Public Departments in the Courts of Scotland,	20 and 21 Vict. cap.	44.	1857.	45
Cruelty to Animals in Scotland, for the more effectual Prevention of,	13 and 14 Vict. cap.	92.	1850.	107
——— to amend 13 and 14 Vict. c. 92, for the more effectual Prevention of,	17 and 18 Vict. cap.	60.	1854.	59
Customs, to repeal the Duties of, upon the Importation of Sugar, and to impose new Duties in lieu thereof,	11 and 12 Vict. cap.	97.	1848.	103
——— to alter certain Duties of,	16 and 17 Vict. cap.	54.	1853.	154
——— for consolidating Customs Duties Acts,	16 and 17 Vict. cap.	106.	1853.	295
——— to alter and amend certain Duties of,	17 and 18 Vict. cap.	28.	1854.	33
——— to alter the Duties of, on Sugar, Molasses, and Spirits,	17 and 18 Vict. cap.	29.	1854.	35
——— for the further Alteration and Amendment of the Laws and Duties of,	17 and 18 Vict. cap.	122.	1854.	209
——— to suspend the Decline of Duties of, on Tea, from and after the 5th April 1855,	18 Vict. cap.	9.	1855.	3
——— for granting certain Duties of, on Tea, Coffee, Sugar, and other Articles,	18 Vict. cap.	21.	1855.	8
——— to consolidate certain Acts, and otherwise amend the Laws of the Customs,	18 and 19 Vict. cap.	96.	1855.	131
——— for the Amendment and Consolidation of the Customs Tariff Acts,	18 and 19 Vict. cap.	97.	1855.	148
——— Duties, further Alteration and Amendment of,	19 and 20 Vict. cap.	75.	1856.	167
——— for granting certain Duties of Customs on Tea, Sugar, and other Articles,	20 Vict. cap.	15.	1857.	6
——— for the Alteration and Amendment of the Laws and Duties of,	20 and 21 Vict. cap.	62.	1857.	66
——— for granting certain Duties of Customs and Excise,	20 and 21 Vict. cap.	61.	1857.	63
Dead, to amend the Laws concerning the Burial of,	18 and 19 Vict. cap.	68.	1855.	68
—— to amend "the Burial Grounds (Scotland) Act, 1855." (18 and 19 Vict. c. 68),	20 and 21 Vict. cap.	42.	1857.	44
Dealers and Retailers in Spirits, to alter the Laws and Regulations of Excise respecting the Survey of,	11 and 12 Vict. cap.	121.	1848.	169
Deaths, to provide for the better Registration of,	17 and 18 Vict. cap.	80.	1854.	77
——— to make further Provision for the Registration of,	18 Vict. cap.	29.	1855.	30
Debts, to amend 6 Geo. IV. c. 48, for regulating the Justice of Peace Small Debt Courts,	12 and 13 Vict. cap.	34.	1849.	28
—— (Civil), to exempt Imprisonments under the Act 5 Geo. IV. c. 96, from the Operation of the Act abolishing Imprisonment for,	19 and 20 Vict. cap.	46.	1856.	44
—— (Securities for), to amend and re-enact certain Provisions of the Act 54 Geo. III., relating to Judicial Procedure and,	19 and 20 Vict. cap.	91.	1856.	252
— *See* also Bankruptcy.				

		Page
Declarations; to allow Affirmations or Declarations to be made instead of Oaths in certain Cases,	18 Vict. cap. 25. 1855.	25
Deeds, to abolish certain unnecessary Forms in the framing of,	19 and 20 Vict. cap. 89. 1856.	251
Denmark; to carry into effect a Convention between Her Majesty and the King of Denmark, for the Redemption of the Sound Dues,	20 and 21 Vict. cap. 12. 1857.	6
Designs, to amend and extend the Acts relating to the Copyright of,	13 and 14 Vict. cap. 104. 1850.	243
——— *See* also Copyright.		
Disabilities, to repeal certain (imposed on Members of either House of Parliament), under 1 Geo. I. c. 13, and 6 Geo. III. c. 53,	15 and 16 Vict. cap. 43. 1852.	39
Diseases (Contagious and Epidemic), to explain and amend 9 and 10 Vict. c. 96, for the Prevention of,	11 and 12 Vict. cap. 123. 1848.	203
——— Prevention; to amend 11 and 12 Vict. c. 123,	12 and 13 Vict. cap. 111. 1849.	81
——— to make better provision for the Removal of Nuisances and the Health of Towns (*repeals the two preceding Acts*),	19 and 20 Vict. cap. 103. 1856.	262
Dissolution of Joint-Stock Companies. See Joint-Stock Companies.		
Distillation of Spirits from Sugar, Molasses, and Treacle, to permit,	11 and 12 Vict. cap. 100. 1848.	139
——————— to permit the Use of Rice in the,	19 and 20 Vict. cap. 51. 1856.	109
Disorders (Contagious or Infectious), to prohibit the importation of Sheep, Cattle, or other Animals, for the purpose of preventing the introduction of,	11 and 12 Vict. cap. 105. 1848.	153
——————— to prevent the spreading of, among Sheep, Cattle, and other Animals,	11 and 12 Vict. cap. 107. 1848.	155
——————— to continue 11 and 12 Vict. c. 107,	13 and 14 Vict. cap. 71. 1850.	178
——————— to continue 11 and 12 Vict. c. 107, to prevent the spreading of, among Sheep, Cattle, and other Animals,	14 and 15 Vict. cap. 69. 1851.	39
——————— to continue 11 and 12 Vict. c. 107, to prevent the spreading of, among Sheep, Cattle, and other Animals,	16 and 17 Vict. cap. 62. 1853.	181
——— to continue certain Acts to prevent the spreading of contagious Disorders among Sheep, Cattle, and other Animals,	19 and 20 Vict. cap. 101. 1856.	261
Drafts on Bankers, to amend the Law relating to,	19 and 20 Vict. cap. 25. 1856.	16
Drainage, to simplify the Forms of Certificates under 9 and 10 Vict. c. 101, for authorizing the Advance of Money for the Improvement of Land by,	11 and 12 Vict. cap. 119. 1848.	168
——— to promote the Advance of private Money for,	12 and 13 Vict. cap. 100. 1849.	65
——— to authorize further advances of Money for Drainage and the Improvement of Landed Property, and to amend the Acts relating to such Advances,	13 and 14 Vict. cap. 31. 1850.	12
——— to amend the Acts relating to the Advance of Public Money to promote the,	19 Vict. cap. 9. 1856.	3

			Page
Dunbar Harbour; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar,	20 and 21 Vict. cap.	63. 1857.	72
Dunse. *See* Sheriff and Commissary Courts.			
Duty (Excise), to grant Allowances of, on Malt, to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty, &c.,	19 and 20 Vict. cap.	34. 1856.	25
—— to repeal and re-impose, on Sugar used in brewing Beer,	19 and 20 Vict. cap.	34. 1856.	25
—— *See* also Excise Duties.			
Duty on Race-horses, to repeal and re-impose under new Regulations the,	19 and 20 Vict. cap.	82. 1856.	246
—— to amend the Act 19 and 20 Vict. c. 82, for repealing, and re-imposing under new Regulations, the Duty on Race-horses,	20 Vict. cap.	16. 1857.	9
Duties on Copper and Lead, to reduce,	11 and 12 Vict. cap.	127. 1848.	225
—— payable upon the Importation of Spirits or Strong Waters, to alter,	11 and 12 Vict. cap.	60. 1848.	74
—— of Customs upon the Importation of Sugar repealed, and new ones imposed,	11 and 12 Vict. cap.	97. 1848.	103
—— further Alteration and Amendment of the Duties of Customs,	19 and 20 Vict. cap.	75. 1856.	167
—— for granting certain Duties of Customs on Tea, Sugar, and other Articles,	20 Vict. cap.	15. 1857.	6
—— payable on Dwelling Houses according to the Number of Windows or Lights, to repeal, and to grant in lieu thereof other Duties on Inhabited Houses according to their Annual Value,	14 and 15 Vict. cap.	36. 1851.	18
—— on Fire Insurances,	19 Vict. cap.	15. 1856.	13
—— on Profits arising from Property, Professions, Trades, and Offices. *See* Income-Tax.			
—— (Stamp), to reduce, on certain Instruments of Proxy,	19 and 20 Vict. cap.	81. 1856.	243
—— to repeal certain Stamp Duties, and to grant others in lieu thereof; and to amend the Laws relating to the Stamp Duties,	13 and 14 Vict. cap.	97. 1850.	201
—— *See* also Assessed Taxes, Customs, Excise, Horses Let for Hire, Legacies, Letters Patent, Newspapers, Post-horses, Soap, Spirits, Stamp Duties, Succession Duty.			
Dwelling Houses, to facilitate the Erection of, for the Working Classes,	18 and 19 Vict. cap.	88. 1855.	87
—— to grant Duties on, according to their Annual Value,	14 and 15 Vict. cap.	36. 1851.	18
—— *See* also Houses.			
East India Company, to extend the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners to the Pensioners of,	11 and 12 Vict. cap.	84. 1848.	97
Ecclesiastical Titles Assumption; to prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom,	14 and 15 Vict. cap.	60. 1851.	28
Education; to render more simple and effectual the Titles by which Congregations or			

			Page
Societies associated for Purposes of Religious Worship or Education hold Real Property required for such Purposes, . .	13 Vict. cap.	13. 1850.	4
Education; to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purpose of Education, ...	18 and 19 Vict. cap.	131. 1855.	260
Election of Magistrates and Councillors in the Burghs in Scotland, ...	15 and 16 Vict. cap.	32. 1852.	23
Election of Members of Parliament, to remove certain Doubts as to the Law for the Trial of Controverted Elections, . . .	11 and 12 Vict. cap.	18. 1848.	17
—— to amend the Law for the Trial of Election Petitions,	11 and 12 Vict. cap.	98. 1848.	108
—— to amend the Law as to taking the Poll at Elections of Members to serve in Parliament, .	16 Vict. cap.	28. 1852.	15
—— to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament, . .	15 and 16 Vict. cap.	57. 1852.	27
—— to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at, . .	17 and 18 Vict. cap.	102. 1854.	161
—— to continue the Corrupt Practices Prevention Act, 1854,	19 and 20 Vict. cap.	84. 1856.	250
—— to amend an Act of 2 and 3 Will. IV., for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country, . .	18 Vict. cap.	24. 1855.	24
—— to amend the Law for the Registration of Persons entitled to vote in the Election of Members of Parliament for Burghs,	19 and 20 Vict. cap.	58. 1856.	141
—— *See* also Parliament.			
Election of Representative Peers, to regulate certain Proceedings in relation to, . .	14 and 15 Vict. cap.	87. 1851.	61
—— to amend 14 and 15 Vict. c. 87, for the, . .	15 and 16 Vict. cap.	35. 1852.	28
Elections of Town Councils; to provide for the supplying of Vacancies in Town Councils of Burghs in Scotland consequent on null or irregular Elections, . . .	16 Vict. cap.	20. 1853.	11
Emigration Advances (Distressed Districts Scotland), to authorize the Application of Advances (out of Money now authorized to be advanced for the Improvement of Landed Property) to facilitate Emigration from certain distressed Districts, ...	14 and 15 Vict. cap.	91. 1851.	64
Engravings, to explain the Acts relating to copyright in, ...	15 Vict. cap.	12. 1852.	3
Enrolment of Annuities, to repeal the Laws relating to, ...	17 and 18 Vict. cap.	90. 1854.	130
Entail, for the Amendment of the Law of, .	11 and 12 Vict. cap.	36. 1848.	33
—— to extend the Benefits of 11 and 12 Vict. c. 36, for the Amendment of the Law of,	16 and 17 Vict. cap.	94. 1853.	275
Epidemic Diseases, to explain and amend 9 and 10 Vict. c. 96, for the prevention of, .	11 and 12 Vict. cap.	123. 1848.	203
Evidence, to amend the law of, . .	15 Vict. cap.	27. 1852.	14
—— to alter and amend 15 Vict. c. 27, for amending the Law of, . . .	16 Vict. cap.	20. 1853.	9

			Page
Evidence, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals,	19 and 20 Vict. cap. 113.	1856.	299
Exchequer, Court of, for the amendment of the Procedure and Practice in Crown Suits in the,	18 and 19 Vict. cap. 90.	1855.	*105
——— to constitute the Court of Session the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer,	19 and 20 Vict. cap. 56.	1856.	110
Excise, to alter the Laws and Regulations of, respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders; and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise,	11 and 12 Vict. cap. 121.	1848.	169
——— removal of goods subject to Excise Regulations from Customs Warehouse,	11 and 12 Vict. cap. 122.	1848.	184
——— and Stamps and Taxes; consolidating the Boards of, into One Board of Commissioners of Inland Revenue,	12 Vict. cap.	1. 1849.	1
——— Duty on Soap used in Manufactures, to continue certain Allowances of,	14 and 15 Vict. cap.	59. 1851.	27
——— to repeal the Duties, Allowances, and Drawbacks on Soap,	16 and 17 Vict. cap.	39. 1853.	74
——— to impose additional Duties on Spirits,	16 and 17 Vict. cap.	37. 1853.	51
——— for granting certain additional Rates and Duties of,	17 and 18 Vict. cap.	27. 1854.	19
——— for granting certain Duties of, on Sugar made in the United Kingdom,	17 and 18 Vict. cap.	30. 1854.	39
——— for granting certain additional Rates and Duties of,	18 Vict. cap.	22. 1855.	12
——— to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-Free in the distilling of Spirits; and to amend the Laws relating to the Duties of Excise,	18 and 19 Vict. cap.	94. 1855.	114
——— Spirit of Wine, allowed to be used Duty-Free in the Arts and Manufactures of the United Kingdom,	18 and 19 Vict. cap.	38. 1855.	35
——— Duty on Malt, to grant Allowances of, to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty, &c.,	19 and 20 Vict. cap.	34. 1856.	25
——— on Sugar used in brewing Beer, to repeal and re-impose the,	19 and 20 Vict. cap.	34. 1856.	25
——— for granting certain Duties of Customs and Excise,	20 and 21 Vict. cap.	61. 1857.	63
Factories, to amend the Acts relating to Labour in,	13 and 14 Vict. cap.	54. 1850.	167
——— further to regulate the Employment of Children in,	16 and 17 Vict. cap.	104. 1853.	293
——— for the further Amendment of the Laws relating to Labour in,	19 and 20 Vict. cap.	38. 1856.	33
Fees. *See* Stamp Duties.			
Fire Insurances, to amend the Laws relating to the Duties on,	19 Vict. cap.	22. 1856.	13
Fisheries; to amend the Acts relating to the British White Herring Fisheries,	14 and 15 Vict. cap.	26. 1851.	10

				Page
Fisheries, Salmon, in the River Tweed, *Local*,	20 and 21 Vict. cap.	148.	1857.	*App.*
Foreign Tribunals, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before,	19 and 20 Vict. cap.	113.	1856.	299
Forgery of Bank Notes; to amend 1 Geo. IV., for the further Prevention of Forging and Counterfeiting Bank Notes,	16 Vict. cap.	2.	1852.	1
Forms; to abolish certain unnecessary Forms in the framing of Deeds,	19 and 20 Vict. cap.	89.	1856.	251
France, Convention with, on Copyright,	15 Vict. cap.	12.	1852.	3
Friendly Societies, to consolidate and amend the Laws relating to,	13 and 14 Vict. cap.	115.	1850.	251
——— ——— to continue and amend 13 and 14 Vict. c. 115, to consolidate the Laws relating to,	15 and 16 Vict. cap.	65.	1852.	45
——— ——— to amend the Laws relating to the Investments of,	16 and 17 Vict. cap.	123.	1853.	354
——— ——— to make further Provisions in relation to certain Friendly Societies,	17 and 18 Vict. cap.	56.	1854.	54
——— ——— to consolidate and amend the Law relating to,	18 and 19 Vict. cap.	63.	1855.	41
Furnaces, for the Abatement of the Nuisance arising from the Smoke of,	20 and 21 Vict. cap.	73.	1857.	161
Game Certificates; to enable Persons having a right to kill Hares to do so by themselves or Persons authorized by them, without being required to take out a Game Certificate,	11 and 12 Vict. cap.	30.	1848.	30
Gold; for regulating the Weights used in Sales of Bullion,	16 Vict. cap.	29.	1853.	20
—— and Silver Wares; for allowing Gold Wares to be manufactured at a lower Standard than allowed by Law, and to amend the Law relating to the Assaying of Gold and Silver Wares,	17 and 18 Vict. cap.	96.	1854.	157
—— Wedding Rings; for excepting from the Operation of 17 and 18 Vict. c. 96, relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares,	18 and 19 Vict. cap.	60.	1855.	39
Government and Crown, for the better Security of,	11 Vict. cap.	12.	1848.	13
——— Annuities, to consolidate and amend the Laws, and to grant additional Facilities in relation to the Purchase of, through the Medium of Savings Banks, and to make other Provisions in respect thereof,	16 and 17 Vict. cap.	45.	1853.	76
Greenwich Out-Pensioners, to amend the Acts for rendering effective the Services of, and to extend the same to the Pensioners of the East India Company,	11 and 12 Vict. cap.	84.	1848.	97
——— and Chelsea Hospitals, for further regulating the Payment of the Out-Pensioners of,	19 Vict. cap.	15.	1856.	9
Hackney Carriage Acts, to explain and amend the Law respecting Proceedings for Duties and Penalties under Post Horse, Stage, and,	11 and 12 Vict. cap.	118.	1848.	164
Harbours, to enable Burghs to maintain and improve,	16 and 17 Vict. cap.	93.	1853.	259

				Page
Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar,	20 and 21 Vict. cap.	63.	1857.	72
Hares, to enable Persons having a right to kill, to do so by themselves or Persons authorized by them, without being required to take out a Game Certificate,	11 and 12 Vict. cap.	30.	1848.	30
Health of Towns; to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns,	19 and 20 Vict. cap.	103.	1856.	262
——— *See* also Nuisances.				
Heritable Securities; to extend the Benefit of 8 and 9 Vict. c. 31, and 10 and 11 Vict. c. 50, relating to the Constitution, Transmission and Extinction of,	17 and 18 Vict. cap.	62.	1854.	62
Heritages, for the Valuation of Lands and,	17 and 18 Vict. cap.	91.	1854.	133
——— Amendment,	20 and 21 Vict. cap.	58.	1857.	59
Herring Fishery; to amend the Acts relating to the British White Herring Fishery,	14 and 15 Vict. cap.	26.	1851.	10
Highlands, to alter the Mode of assessing the Funds leviable in Inverness-shire; for making and maintaining Roads, Bridges, and other Works in,	11 and 12 Vict. cap.	40.	1848.	57
Highland Roads and Bridges, for amending the Acts relating to,	14 and 15 Vict. cap.	66.	1851.	32
——— to explain and amend the Law respecting Proceedings for Duties and Penalties under the Post-Horse, Stage, and Hackney Carriage Acts,	11 and 12 Vict. cap.	118.	1848.	164
Horses let for Hire, to repeal the Duties payable in respect of, and to grant new Duties on Licences to let Horses for Hire,	16 and 17 Vict. cap.	88.	1853.	231
——— (Race), to repeal and reimpose under new Regulations the Duty on,	19 and 20 Vict. cap.	82.	1856.	246
——— to amend the Act 19 and 20 Vict. c. 82, for repealing and reimposing under new Regulations the Duty on Race-Horses,	20 Vict. cap.	16.	1857.	2
House of Lords Costs Taxation; for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases,	12 and 13 Vict. cap.	78.	1849.	55
Houses; to repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value,	14 and 15 Vict. cap.	36.	1851.	18
——— (Dwelling), to facilitate the Erection of, for the Working Classes,	18 and 19 Vict. cap.	88.	1855.	87
——— (Lodging); to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns,	19 and 20 Vict. cap.	103.	1856.	262
Imprisonments to, exempt, under the Act 5 Geo. IV. c. 96, from the Operation of the Act abolishing Imprisonment for Civil Debts of small Amount,	19 and 20 Vict. cap.	46.	1856.	44
Importation, to alter the Duties on Spirits or Strong Waters, payable upon,	11 and 12 Vict. cap.	60.	1848.	74

			Page
Importation of Sugar, to repeal the Duties of Customs upon, and to impose new Duties in lieu thereof, ...	11 and 12 Vict. cap.	97. 1848.	103
—— of Cattle, Sheep, or other Animals, to prohibit, for the purpose of preventing the Introduction of contagious or infectious Disorders, ...	11 and 12 Vict. cap.	105. 1848.	153
—— *See* also Excise, Cattle.			
Improvement of Land, to amend the Acts relating to the Advance of Public Money to promote the, ...	19 Vict. cap.	9. 1856.	3
—— *See* also Drainage.			
Income-Tax; to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices, . .	11 Vict. cap.	8. 1848.	12
—— to continue the Duties on Profits arising from Property, Professions, Trades, and Offices, and to amend the Act imposing the same, . . .	14 Vict. cap.	12. 1851.	3
—— Continuance, . . .	15 Vict. cap.	20. 1852.	11
—— for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices (*extension to Incomes from* £100 *to* £150), . .	16 and 17 Vict. cap.	34. 1853.	23
—— for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices, .	17 Vict. cap.	10. 1854.	6
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices (*granting Increase of Rate to* 1s. 2d. *per* £1),	17 Vict. cap.	24. 1854.	12
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices (*granting Increase of Rate to* 1s. 4d. *per* £1), ...	18 Vict. cap.	20. 1855.	5
—— to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices, ...	20 Vict. cap.	6. 1857.	2
—— to grant Relief in Assessing on Lands in respect of certain Public Burdens,	19 and 20 Vict. cap.	80. 1856.	240
—— to amend the Laws relating to the Payment of, ...	20 and 21 Vict. cap.	28. 1857.	39
—— to extend for a limited Time the Provision for Abatement of, in respect of Insurances on Lives, . . .	16 and 17 Vict. cap.	91. 1853.	256
—— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of Insurance of Lives, . .	17 and 18 Vict. cap.	40. 1854.	51
—— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of Insurance on Lives, . .	18 and 19 Vict. cap.	35. 1855.	34
—— to continue the Act for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives, ...	19 and 20 Vict. cap.	33. 1856.	25
—— to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives, . . .	20 and 21 Vict. cap.	5. 1857.	4

			Page
Incorporation and Regulation of Joint-Stock Companies,	19 and 20 Vict. cap.	47. 1856.	46
——— *See* also Joint-Stock Companies.			
India Company (East), to amend the Acts for rendering effective the Service of Out-Pensioners, and to extend them to the Pensioners of the,	11 and 12 Vict. cap.	84. 1848.	97
Industrial and Provident Societies, to legalize the Formation of,	15 and 16 Vict. cap.	31. 1852.	17
——— to amend 15 and 16 Vict. c. 31,	17 and 18 Vict. cap.	25. 1854.	16
——— to amend 17 and 18 Vict. c. 25,	19 and 20 Vict. cap.	40. 1856.	40
Industrial Schools; to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children,	17 and 18 Vict. cap.	74. 1854.	71
——— for the better Care and Reformation of Youthful Offenders,	17 and 18 Vict. cap.	86. 1854.	126
——— to amend 17 and 18 Vict. c. 86, and 17 and 18 Vict. c. 74, to render Industrial Schools more available for the Benefit of Vagrant Children,	18 and 19 Vict. cap.	87. 1855.	85
——— and Reformatory Schools, to make further Provision for rendering more available for the Benefit of Vagrant Children,	19 and 20 Vict. cap.	28. 1856.	19
——— to amend the Mode of committing Criminal and Vagrant Children to,	19 and 20 Vict. cap.	109. 1856.	287
Infectious Disorders among Sheep, Cattle, and other Animals. *See* Disorders.			
Inhabited House-Duty; to repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value,	14 and 15 Vict. cap.	36. 1851.	18
Inland Revenue; consolidating the Boards of Excise and Stamps and Taxes into One Board of Commissioners of, and to make Provision for the Collection of such Revenue,	12 Vict. cap.	1. 1849.	1
Insane Persons, for the better Protection of the Property of (*Pupils' Protection*),	12 and 13 Vict. cap.	51. 1849.	36
——— *See* also Lunatics.			
Insurances on Lives, to extend for a limited Time the Provision (16 and 17 Vict. c. 34, s. 54) for Abatement of Income-Tax in respect of,	16 and 17 Vict. cap.	91. 1853.	256
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of,	17 and 18 Vict. cap.	40. 1854.	51
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of,	18 and 19 Vict. cap.	35. 1855.	34
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of,	20 and 21 Vict. cap.	5. 1857.	4

		Page
Insurances (Fire), to amend the Laws relating to the Duties on,	19 Vict. cap. 22. 1856.	13
International Copyright; to carry into effect a Convention with France on the subject of Copyright, to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings,	15 Vict. cap. 12. 1852.	3
Intestacy; to alter in certain respects the Law of Intestate Moveable Succession,	18 Vict. cap. 23. 1855.	21
Inventions, amending the Law for granting Patents for,	15 and 16 Vict. cap. 83. 1852.	51
——— to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Public Use of certain Indexes of Specifications,	16 Vict. cap. 5. 1853.	3
——— to amend certain Provisions of the Patent Law Amendment Act 1852, in respect of the transmission of certified Copies of Letters Patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act,	16 and 17 Vict. cap. 115. 1853.	349
Inverness (County of), to alter the Mode of assessing the Funds leviable in, for making and maintaining certain Roads and Bridges in the Highlands,	11 and 12 Vict. cap. 40. 1848.	57
——— Bridge; for rebuilding the Bridge over the River Ness at Inverness, and improving the Approaches thereto; and for amending the Acts relating to Highland Roads and Bridges,	14 and 15 Vict. cap. 66. 1851.	32
———; to extend the Provisions of 14 and 15 Vict. c. 66, for rebuilding the Bridge over the River Ness at Inverness,	18 and 19 Vict. cap. 113. 1855.	204
Investments of Friendly Societies, to amend the Laws relating to,	16 and 17 Vict. cap. 123. 1853.	354
Isle of Man, for rendering certain Newspapers published in, liable to Postage,	11 and 12 Vict. cap. 117. 1848.	163
Joint Stock Banks, to amend 7 and 8 Vict. c. 113, and 9 and 10 Vict. c. 75, for the Regulation of,	17 and 18 Vict. cap. 73. 1854.	70
——— to extend the Period for granting Letters Patent of Incorporation to,	19 Vict. cap. 3. 1856.	2
——— to amend the Law relating to,	20 and 21 Vict. cap. 49. 1857.	49
Joint Stock Companies; unable to meet their pecuniary Engagements, to amend the Acts for facilitating the Winding up the Affairs of, and also to facilitate the Dissolution and Winding up of same and other Partnerships,	11 and 12 Vict. cap. 45. 1848.	62
——— Act (1848) Amendment; to amend 11 and 12 Vict. c. 45,	12 and 13 Vict. cap. 108. 1849.	80
——— Incorporation and Regulation of (*Limited Liability*),	19 and 20 Vict. cap. 47. 1856.	46
——— to amend the Joint Stock Companies Act, 1856 (19 and 20 Vict. c. 47),	20 and 21 Vict. cap. 14. 1857.	7
——— further to amend the Joint Stock Companies Act, 1856 (19 and 20 Vict. c. 47),	20 and 21 Vict. cap. 80. 1857.	173

		Page
Joint Stock Companies; to amend 7 and 8 Vict. c. 111, for facilitating the Winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849," . .	20 and 21 Vict. cap. 78. 1857.	166
Judicial Procedure; to amend and re-enact certain Provisions of the Act 54 Geo. III., relating to Judicial Procedure and Securities for Debts, ...	19 and 20 Vict. cap. 91. 1856.	252
Justiciary, to facilitate and simplify Procedure in the Court of, ...	11 and 12 Vict. cap. 79. 1848.	90
Justice of Peace Small Debt Courts; to amend 6 Geo. IV. c. 48, ...	12 and 13 Vict. cap. 34. 1849.	28
Justices of Peace, amending Procedure before Magistrates and, ...	19 and 20 Vict. cap. 48. 1856.	107
Jury, to allow Verdicts on Trial by, in Civil Causes, to be returned, although the Jury may not be unanimous, . . .	17 and 18 Vict. cap. 59. 1854.	58
Labour in Factories, to amend the Acts relating to, ...	13 and 14 Vict. cap. 54. 1850.	167
——— further to regulate the Employment of Children in, . .	16 and 17 Vict. cap. 104. 1853.	293
——— for the further amendment of the Laws relating to, . .	19 and 20 Vict. cap. 38. 1856.	38
Lading, to amend the Laws relating to Bills of,	18 and 19 Vict. cap. 111. 1855.	203
Land, to simplify the Forms of Certificates under 9 and 10 Vict. c. 101, authorizing the Advance of Money for the Improvement of, by Drainage, ...	11 and 12 Vict. cap. 119. 1848.	168
—— to promote the Advance of private Money for Drainage of, ...	12 and 13 Vict. cap. 100. 1849.	65
—— to authorize further Advances of Money for Drainage and the Improvement of, .	13 and 14 Vict. cap. 31. 1850.	12
—— to amend the Acts relating to the Advance of Public Money to promote the Improvement of, ...	19 Vict. cap. 9. 1856.	3
Lands and Heritages, for the Valuation of, .	17 and 18 Vict. cap. 91. 1854.	133
—— to amend the Act 17 and 18 Vict. c. 91, for the Valuation of Lands, . .	20 and 21 Vict. cap. 58. 1857.	59
Lands; to grant Relief in Assessing the Income-Tax on Lands in respect of certain Public Burdens, ...	19 and 20 Vict. cap. 80. 1856.	240
Land Tax, to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, . .	11 and 12 Vict. cap. 62. 1848.	75
——— to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, . .	16 and 17 Vict. cap. 111. 1853.	332
——— to reduce the Terms on which the Land Tax may be redeemed or purchased, .	16 and 17 Vict. cap. 74. 1853.	203
——— to amend the Laws relating to the application of the Monies arising from the Redemption and Purchase of, . .	16 and 17 Vict. cap. 90. 1853.	239
——— to amend the Laws relating to the Redemption and Purchase of, . .	16 and 17 Vict. cap. 117. 1853.	352
——— to amend the Laws relating to the Payment of the Land and Assessed Taxes, .	20 and 21 Vict. cap. 28. 1857.	39
Language used in Acts of Parliament, for shortening, ...	13 Vict. cap. 21. 1850.	8

		Page
Law of Copyright of Design Amendment; to extend and amend the Acts relating to the Copyright of Designs,	13 and 14 Vict. cap. 104. 1850.	243
Law of Elections. *See* Elections.		
Law of Entail, for the amendment of,	11 and 12 Vict. cap. 36. 1848.	33
——— to extend the Benefit of 11 and 12 Vict. c. 36, for the amendment of the Law of,	16 and 17 Vict. cap. 94. 1853.	275
Law of Evidence, to amend the,	15 Vict. cap. 27. 1852.	14
——— to alter and amend 15 Vict. c. 36, for the amendment of,	16 Vict. cap. 20. 1853.	9
Laws of Excise. *See* Excise.		
Lead, to reduce the Duties on,	11 and 12 Vict. cap. 127. 1848.	225
Leases; to provide for the Registration of Long Leases and Assignations thereof,	20 and 21 Vict. cap. 26. 1857.	24
Legacies; for altering certain Provisions of the Acts charging Duties on Legacies and Shares of Personal Estates,	16 and 17 Vict. cap. 51. 1853.	90
Letters Patent; to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Public Use of certain Indexes of Specifications,	16 Vict. cap. 5. 1853.	3
——— to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of certified Copies of Letters Patent and Specifications to certain offices in Edinburgh and Dublin, and otherwise to amend said Act,	16 and 17 Vict. cap. 115, 1853.	349
Liberty of Religious Worship, for securing,	18 and 19 Vict. cap. 86. 1855.	83
Libraries (Public) to enable Town Councils to establish,	13 and 14 Vict. cap. 65. 1850.	173
——— to extend the Public Libraries Act, 1850 (13 and 14 Vict. c. 65) to Ireland and Scotland,	16 and 17 Vict. cap. 101. 1853.	291
——— to amend 16 and 17 Vict. c. 101, for extending the Public Libraries Act, 1850, to Ireland and Scotland,	17 and 18 Vict. cap. 64. 1854.	63
Licences. *See* Horses let for Hire; Public Houses.		
Life Insurance; to extend for a limited Time the Provision (16 and 17 Vict. cap. 34, sec. 54) for Abatement of Income-Tax in respect of Insurances on Lives,	16 and 17 Vict. cap. 91. 1853.	256
——— to continue 16 and 17 Vict. c. 91, to extend for a limited Time the Provision for Abatement of Income-Tax in respect of Insurance on Lives,	17 and 18 Vict. cap. 40. 1854.	51
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of,	18 and 19 Vict. cap. 35. 1855.	34
——— to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of Insurance on Lives,	20 and 21 Vict. cap. 5. 1857.	4
Lighthouses (Colonial), to facilitate the Erection and Maintenance of,	18 and 19 Vict. cap. 91. 1855.	107
Liquors, for regulating the Sale on the Lord's Day of Beer and other,	11 and 12 Vict. cap. 49. 1848.	63
Local Acts, for amending 9 and 10 Vict. c. 106, as to preliminary Inquiries in certain Cases of Applications for,	11 and 12 Vict. cap. 129. 1848.	226

			Page
Local Acts, to repeal 11 and 12 Vict. c. 129, for making preliminary Inquiries in certain Cases of Application for, and to make other Provisions in lieu thereof, . . .	14 and 15 Vict. cap.	49. 1851.	23
Lodging Houses; to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns,	19 and 20 Vict. cap.	103. 1856.	262
Long Leases, to provide for the Registration of,	20 and 21 Vict. cap.	26. 1857.	24
Lord's Day, for regulating the Sale of Beer and other Liquors on the, ...	11 and 12 Vict. cap.	49. 1848.	63
Lords (House of). *See* House of Lords.			
Lunatics, for the better Protection of the Property of (*Pupils' Protection*), . .	12 and 13 Vict. cap.	51. 1849.	36
——— amendment of the Laws respecting the Property of, ...	15 and 16 Vict. cap.	48. 1852.	33
——— for the Regulation of the Care and Treatment of, and for the Provision, Maintenance, and Regulation of Lunatic Asylums,	20 and 21 Vict. cap.	71. 1857.	81
Magistrates and Councillors in the Burghs in Scotland, Election of, ...	15 and 16 Vict. cap.	32. 1852.	23
——— amending Procedure before Justices of Peace and, ...	19 and 20 Vict. cap.	48. 1856.	107
Man (Isle of), for rendering certain Newspapers published in, liable to Postage, . .	11 and 12 Vict. cap.	117. 1848.	163
Manufactures, to allow Spirit of Wine Duty-Free to be used in, ...	18 and 19 Vict. cap.	38. 1855.	35
Malt, to amend the Laws respecting the Warehousing of British Spirits, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits, to be exported on Drawback from any Part of the United Kingdom; and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouses, . .	11 and 12 Vict. cap.	122. 1848.	184
—— allowed to be used Duty-Free in the distilling of Spirits, ...	18 and 19 Vict. cap.	94. 1855.	114
—— Duty, to grant Allowances of Excise Duty on Malt in Stock, to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty, &c., ...	19 and 20 Vict. cap.	34. 1856.	25
—— Roasters, to amend the Law relating to,	19 and 20 Vict. cap.	34. 1856.	25
Marriage, for amending the Law of, .	19 and 20 Vict. cap.	96. 1856.	259
——— and Registration Acts, to amend (*this Act does not extend to Scotland, except as provided in* § viii.), . . .	19 and 20 Vict. cap.	119. 1856.	303
Marriages, to provide for the better Registration of, ...	17 and 18 Vict. cap.	80. 1854.	77
——— to make further Provision for the Registration of, ...	18 Vict. cap.	29. 1855.	30
Members of Parliament, to amend the Law as to taking the Poll at Elections of, . .	16 Vict. cap.	28. 1853.	16
——————— to amend 2 and 3 Wil. IV. for amending the Representation of the People in Scotland in so far as relates to the Procedure in County Elections in that Country, ...	18 Vict. cap.	24. 1855.	24
——————— to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of, .	17 and 18 Vict. cap.	102. 1854.	161

		Page
Members of Parliament, to continue the Corrupt Practices Prevention Act, 1854,	19 and 20 Vict. cap. 84. 1856.	250
——— to amend the Law for the Registration of Persons entitled to vote in the Election of, for Burghs,	19 and 20 Vict. cap. 58. 1856.	141
Mercantile Law Amendment,	19 and 20 Vict. cap. 60. 1856.	161
——— (England and Ireland),	19 and 20 Vict. cap. 97. 1856.	App.
Merchant Shipping, to amend various Laws relating to,	16 and 17 Vict. cap. 131. 1853.	356
——— Act, 1854, to amend,	18 and 19 Vict. cap. 91. 1855.	107
——— to amend and consolidate the Acts relating to Merchant Shipping,	17 and 18 Vict. cap. 104. 1854.	App.
——— to repeal certain Acts, and parts of Acts, relating to Merchant Shipping,	17 and 18 Vict. cap. 120. 1854.	App.
Militia; to amend the Laws relating to the Militia of the United Kingdom,	17 Vict. cap. 13. 1854.	8
——— for amending the Laws relating to, and raising a Volunteer Militia Force,	17 and 18 Vict. cap. 106. 1854.	179
——— to amend the Law concerning the Qualification of Officers of the Militia,	18 and 19 Vict. cap. 109. 1855.	191
——— to authorize the embodying of the Militia,	20 and 21 Vict. cap. 82. 1857.	174
Mines; for the Inspection of Coal Mines,	13 and 14 Vict. cap. 100. 1850.	239
——— to amend the Laws for the Inspection of,	18 and 19 Vict. cap. 108. 1855.	194
Molasses, to permit the Distillation of Spirits from,	11 and 12 Vict. cap. 100. 1848.	139
——— allowed to be used Duty-Free in the Distilling of Spirits, in lieu of Allowances and Drawbacks on such Molasses,	18 and 19 Vict. cap. 94. 1855.	114
Money Order Department of the Post Office, for regulating,	11 and 12 Vict. cap. 88. 1848.	93
Money (Private); Advance of, for Drainage of Lands,	12 and 13 Vict. cap. 100. 1849.	65
Money (Public), to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land,	19 Vict. cap. 9. 1856.	3
——— *See* also Drainage of Land.		
Monument (National); to alter and amend 3 Geo. IV. c. 100, to incorporate the Contributors for the Erection of, in Scotland, to commemorate the Naval and Military Victories obtained during the late War,	11 Vict. cap. 23. 1848.	24
Moveable Succession; to alter in certain respects the Law of Intestate Moveable Succession in Scotland,	18 Vict. cap. 23. 1855.	21
Museums, to enable Town Councils to establish,	13 and 14 Vict. cap. 65. 1850.	173
——— to extend 13 and 14 Vic. cap. 65 to Ireland and Scotland,	16 and 17 Vict. cap. 101. 1853.	291
——— to amend 16 and 17 Vic. cap. 101,	17 and 18 Vict. cap. 64. 1854.	63
National Monument; to alter and amend 3 Geo. IV. c. 100, to Incorporate the Contributors for the Erection of a National Monument in Scotland to Commemorate the Naval and Military Victories obtained during the late War,	11 Vict. cap. 23. 1848.	24
Navigation (Steam), for the further Regulation of, and for limiting in certain Cases the		

				Page
Number of Passengers to be conveyed in Steam-Vessels,	11 and 12 Vict. cap.	81.	1848.	94
Navigation (Steam), to consolidate and amend the Laws relating to the Regulation of,	14 and 15 Vict. cap.	79.	1851.	42
——— to amend the Laws in force for the Encouragement of British Shipping and,	12 and 13 Vict. cap.	29.	1849.	15
——— to amend and consolidate the Acts relating to Merchant Shipping,	17 and 18 Vict. cap.	104.	1854.	*App.*
——— to repeal certain Acts, and parts of Acts, relating to Merchant Shipping,	17 and 18 Vict. cap.	120.	1854.	*App.*
——— *See* also Shipping.				
Ness (River), for rebuilding the Bridge over, at Inverness, and for improving the Approaches thereto,	14 and 15 Vict. cap.	66.	1851.	32
——— to extend the Provisions of 14 and 15 Vict. c. 66, for rebuilding the Bridge over, at Inverness,	18 and 19 Vict. cap.	113.	1855.	204
Newspapers; for rendering certain Newspapers published in the Channel Islands and the Isle of Man liable to Postage,	11 and 12 Vict. cap.	117.	1848.	163
——— to give Relief with respect to the Stamp Duties on Newspapers, and Supplements thereto, and to repeal the Duty on Advertisements,	16 and 17 Vict. cap.	63.	1853.	182
——— to amend the Law relating to the Stamp Duties upon,	16 and 17 Vict. cap.	71.	1853.	202
——— to amend the Laws relating to the Stamp Duties on,	18 Vict. cap.	27.	1855.	26
North America, to make further Provision for One Year for the Carriage of Passengers to, by Sea,	11 Vict. cap.	6.	1848.	7
Nuisance arising from the Smoke of Furnaces, for the Abatement of,	20 and 21 Vict. cap.	73.	1857.	161
Nuisances, to renew and amend 9 and 10 Vict. c. 96, for the more speedy Removal of certain,	11 and 12 Vict. cap.	123.	1848.	203
——— Removal and Diseases Prevention Act, 1848 (11 and 12 Vict. c. 123); to amend,	12 and 13 Vict. cap.	111.	1849.	81
——— to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns (*repeals the two preceding Acts*),	19 and 20 Vict. cap.	103.	1856.	262
Oaths, to allow Affirmations or Declarations to be made instead of, in certain Cases,	18 Vict. cap.	25.	1855.	25
Offences committed within the Jurisdiction of the Admiralty, to provide for the Prosecution and Trial of, in the Colonies,	12 and 13 Vict. cap.	100.	1849.	65
Offenders (Youthful), for the better Care and Reformation of,	17 and 18 Vict. cap.	86.	1854.	126
——— to amend 17 and 18 Vict. c. 86, for the better Care and Reformation of, and the Act 17 and 18 Vict. c. 74, to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children,	18 and 19 Vict. cap.	87.	1855.	85
See also Industrial Schools.				
Offices, to continue for Three Years the Duties on Profits arising from,	11 Vict. cap.	8.	1848.	12

			Page
Offices, to continue the Duties on Profits arising from,	14 Vict. cap.	12. 1851.	3
—— continuance,	15 Vict. cap.	20. 1852.	11
—— extension to Incomes from £100 to £150,	16 and 17 Vict. cap.	34. 1853.	23
—— for granting Her Majesty additional Duties on Profits arising from,	17 Vict. cap.	10. 1854.	6
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from,	17 Vict. cap.	24. 1854.	12
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from,	18 Vict. cap.	20. 1855.	5
—— to reduce the Rate of Duty,	20 Vict. cap.	6. 1857.	2
—— to amend the laws relating to the Payment of Duties,	20 and 21 Vict. cap.	23. 1857.	39
Parliament, Acts of, for shortening the Language used in,	13 Vict. cap.	21. 1850.	8
—— to shorten the Time required for assembling, after a Dissolution thereof,	15 Vict. cap.	23. 1852.	13
—— to provide for more effectual Inquiry into the Existence of Corrupt Practices at Elections for Members to serve in,	15 and 16 Vict. cap.	57. 1852.	37
—— to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members to serve in,	17 and 18 Vict. cap.	102. 1854.	161
—— (Members of), to continue the Corrupt Practices Prevention Act, 1854,	19 and 20 Vict. cap.	84. 1856.	250
—— to repeal certain Disabilities (imposed upon Members of either House of Parliament), under 1 G. I. c. 13, and 6 G. III. c. 53,	15 and 16 Vict. cap.	43. 1852.	30
Parliamentary Elections; to amend the Law as to taking the Poll at Elections of Members to serve in Parliament,	16 Vict. cap.	28. 1853.	16
—— Representation in Scotland, to amend 2 and 3 W. IV., c. 65, so far as relates to the Procedure in County Elections in that Country,	18 Vict. cap.	24. 1855.	24
—— to amend its Law for the Registration of Persons entitled to vote in the Election of, for Burghs,	19 and 20 Vict. cap.	58. 1856.	141
Parliament. *See* also Members of Parliament; Representative Peers; Elections.			
Partnerships. *See* Joint-Stock Companies.			
Parochial Schoolmasters, to regulate the Salaries of,	17 and 18 Vict. cap.	98. 1854.	159
—— further to regulate the Salaries of,	20 and 21 Vict. cap.	59. 1857.	61
Passengers, to make further Provision for One Year for the Carriage of, by Sea, to North America,	11 Vict. cap.	6. 1848.	7
—— for limiting, in certain Cases, the Number of, to be conveyed in Steam Vessels,	11 and 12 Vict. cap.	81. 1848.	94
—— for regulating the Carriage of, in Merchant Vessels,	12 and 13 Vict. cap.	34. 1849.	28
—— to amend the Law relating to the Carriage of, by Sea,	18 and 19 Vict. cap.	119. 1855.	207

		Page
Patents for Inventions, amending the Law for granting,	15 and 16 Vict. cap. 83. 1852.	51
——— to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the Public Use of certain Indexes of Specifications,	16 Vict. cap. 5. 1853.	3
——— to amend certain Provisions of the Patent Law Amendment Act 1852, in respect of the transmission of certified Copies of Letters Patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act,	16 and 17 Vict. cap. 115. 1853.	349
Pawnbrokers, to amend the Acts relating to,	19 and 20 Vict. cap. 27. 1856.	17
Peace (Justice of) Small Debt Courts; to amend 6 G. IV. c. 48,	12 and 13 Vict. cap. 34. 1849.	28
——— amending Procedure before Magistrates and,	19 and 20 Vict. cap. 43. 1856.	107
Peers (Representative), to regulate certain Proceedings in relation to the Election of,	14 and 15 Vict. cap. 87. 1851.	61
——— to amend 14 and 15 Vict. c. 87, to regulate certain Proceedings in relation to the Election of,	15 and 16 Vict. cap. 35. 1852.	28
Penal Servitude; to substitute, in certain cases, other Punishment in lieu of Transportation,	16 and 17 Vict. cap. 99. 1853.	287
——— to amend the Act 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation,	20 and 21 Vict. cap. 3. 1857.	2
Penalties under the Post Horse, Stage, and Hackney Carriage Acts, to explain the Law respecting Proceedings for,	11 and 12 Vict. cap. 118. 1848.	164
Pensioners of the East India Company, to extend to, the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners,	11 and 12 Vict. cap. 84. 1848.	97
——— (Out); for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals,	19 Vict. cap. 15. 1856.	9
Persons under Mental Incapacity and absent; for the better Protection of the Property of,	12 and 13 Vict. cap. 51. 1849.	36
Personal Estates. *See* Succession Duty.		
Petitions (Election), to amend the Law for the Trial of,	11 and 12 Vict. cap. 98. 1848.	108
Police and Improvement; to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same,	13 and 14 Vict. cap. 33. 1850.	17
——— to render more effectual the Police in Counties and Burghs,	20 and 21 Vict. cap. 72. 1857.	133
Polling at Elections. *See* Parliamentary Elections.		
Poisons; to regulate the Sale of Arsenic,	14 Vict. cap. 13. 1851.	5
Poor, to amend the Law relating to the Relief of the,	19 and 20 Vict. cap. 117. 1856.	302
Postage, for rendering certain Newspapers published in the Channel Islands and the Isle of Man liable to,	11 and 12 Vict. cap. 117. 1848.	163
Post Horses, to explain and amend the Law as to the Licence required for letting, in Ireland, and the Law respecting Proceed-		

			Page
ings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom,	11 and 12 Vict. cap. 118.	1848.	164
Post Horses, to repeal the Duties payable in respect of Horses let for Hire, and to grant new Duties on Licences,	16 and 17 Vict. cap. 88.	1853.	231
Post Office, for further regulating the Money Order Department of,	11 and 12 Vict. cap. 88.	1848.	98
Prisons and Prison Discipline, to amend certain Acts for the Improvement of,	14 and 15 Vict. cap. 27.	1851.	13
Private Bills in the House of Lords; for the more effectual Taxation of Costs on, and to facilitate the Taxation of other Costs on Private Bills in certain Cases,	12 and 13 Vict. cap. 78.	1849.	55
—— Money, advance of, for Drainage of Lands,	12 and 13 Vict. cap. 100.	1849.	65
Procedure in the Bill Chamber, to regulate,	20 and 21 Vict. cap. 18.	1857.	17
—— in the Court of Justiciary, to facilitate and simplify,	11 and 12 Vict. cap. 79.	1848.	90
—— in the Court of Session in Scotland, to facilitate,	13 and 14 Vict. cap. 36.	1850.	144
—— amending, before Magistrates and Justices of Peace in Scotland,	19 and 20 Vict. cap. 48.	1856.	107
—— (Judicial), to amend and re-enact certain Provisions of the Act 54 G. III. relating to Judicial Procedure and Securities for Debts,	19 and 20 Vict. cap. 91.	1856.	252
—— *See* also Sheriff Courts.			
Professions, Duties on Profits arising from. *See* Income-Tax.			
Professors, to regulate the admission of, to Lay Chairs in the Universities of Scotland,	16 and 17 Vict. cap. 89.	1853.	237
Property; to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education hold Real Property required for such Purposes,	13 Vict. cap. 13.	1850.	4
—— improvement of. *See* Drainage.			
—— of Pupils; for the better Protection of,	12 and 13 Vict. cap. 51.	1849.	36
—— Succession Duty, for granting to Her Majesty Duties on Succession to,	16 and 17 Vict. cap. 51.	1853.	90
—— of Lunatics, amending the Laws respecting,	15 and 16 Vict. cap. 48.	1852.	33
—— to continue for Three Years the Duties on Profits arising from,	11 Vict. cap. 8.	1848.	12
—— Tax; to continue the Duties on Profits arising from Property, Trades, and Offices, and to amend the Act imposing the same,	14 Vict. cap. 12.	1851.	3
—— continuance,	15 Vict. cap. 20.	1852.	11
—— extension to Incomes from £100 to £150,	16 and 17 Vict. cap. 34.	1853.	23.
—— and Professions, for granting to Her Majesty additional Duties on Profits arising from;	17 Vict. cap. 10.	1854.	6
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from,	17 Vict. cap. 24.	1854.	12
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from,	18 Vict. cap. 20.	1855.	5

			Page
Property Tax; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices,	20 Vict. cap.	6. 1857.	2
——— and Income-Tax, to amend the Laws relating to the Payment of,	20 and 21 Vict. cap.	28. 1857.	39
——— *See* also Income-Tax.			
Provident Societies, to legalize the Formation of,	15 and 16 Vict. cap.	31. 1852.	17
——— ——— Act, 1852, to amend,	17 and 18 Vict. cap.	25. 1854.	16
——— and Industrial Societies, to amend an Act of 17 and 18 Vict. cap. 25, relating to,	19 and 20 Vict. cap.	40. 1856.	40
Proxy (Instruments of), to reduce the Stamp Duties on certain,	19 and 20 Vict. cap.	81. 1856.	243
Publications, to provide for the Transmission of Periodical Publications by Post,	18 Vict. cap.	27. 1855.	26
Public Houses; for regulating the Sale of Beer and other Liquors on the Lord's Day,	11 and 12 Vict. cap.	49. 1848.	63
——— ——— for the better Regulation of (*Forbes Mackenzie's Act*),	16 and 17 Vict. cap.	67. 1853.	189
Public Libraries Act; to enable Town Councils to establish,	13 and 14 Vict. cap.	65. 1850.	173
——— ——— ——— to extend the Public Libraries Act, 1850, to Ireland and Scotland,	16 and 17 Vict. cap.	101. 1853.	291
——— ——— to amend 16 and 17 Vict. c. 101, for extending the Public Libraries Act, 1850, to Ireland and Scotland,	17 and 18 Vict. cap.	64. 1854.	63
Punishment; to substitute in certain Cases other Punishment in lieu of Transportation,	16 and 17 Vict. cap.	99. 1853.	287
——— ——— in lieu of Transportation; amending 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation,	20 and 21 Vict. cap.	3. 1857.	2
Pupils' Protection; for the better Protection of the Property of Pupils, absent Persons, and Persons under mental Incapacity,	12 and 13 Vict. cap.	51. 1849.	36
Queen; to carry into effect a Convention between Her Majesty and the King of Denmark, for the Redemption of the Sound Dues,	20 and 21 Vict. cap.	12. 1857.	6
Race-Horses, to repeal and reimpose under new Regulations the Duty on,	19 and 20 Vict. cap.	82. 1856.	246
——— to amend the Act 19 and 20 Vict. c. 82, for repealing, and reimposing under new Regulations, the Duty on Race-Horses,	20 Vict. cap.	16. 1857.	9
Railways, to give further Time for making certain,	11 Vict. cap.	3. 1847.	1
——— Abandonment; to facilitate the Abandonment of Railways, and the Dissolution of Railway Companies in certain Cases,	13 and 14 Vict. cap.	83. 1850.	180
——— to repeal 9 and 10 Vict. c. 105, for constituting Commissioners of,	14 and 15 Vict. cap.	64. 1851.	30
——— for the better Regulation of the Traffic on,	17 and 18 Vict. cap.	31. 1854.	43
Real Securities, to remove Doubts as to the Law of Bankruptcy and,	20 and 21 Vict. cap.	19. 1857.	20
——— *See* also Securities.			
Real Property. *See* Entail, Land Tax, Succession Duty.			

		Page
Redemption of the Land Tax; to reduce the Terms on which the Land Tax may be redeemed or purchased,	16 and 17 Vict. cap. 74. 1853.	203
——— to amend the Laws relating to the Application of the Monies arising from the Redemption and Purchase of,	16 and 17 Vict. cap. 90. 1853.	239
——— to amend the Laws relating to the Redemption and Purchase of the Land Tax,	16 and 17 Vict. cap. 117. 1853.	352
——— *See* also Land Tax.		
——— of the Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark for,	20 and 21 Vict. cap. 12. 1857.	6
Reformation of Youthful Offenders,	17 and 18 Vict. cap. 86. 1854.	126
——— Amendment,	18 and 19 Vict. cap. 87. 1855.	85
——— *See* also Industrial Schools.		
Reformatory and Industrial Schools, to render them more available for the Benefit of Vagrant Children,	17 and 18 Vict. cap. 74. 1854.	71
——— Schools, for the better Care and Reformation of youthful Offenders,	17 and 18 Vict. cap. 86. 1854.	126
——— to amend the Act for rendering them more available for the Benefit of Vagrant Children,	18 and 19 Vict. cap. 87. 1855.	85
——— further Provision for rendering, more available for the Benefit of Vagrant Children,	19 and 20 Vict. cap. 28. 1856.	19
——— to amend the Mode of committing Criminal and Vagrant Children to,	19 and 20 Vict. cap. 109. 1856.	287
Registers of Sasines, to authorize the Lords of Council and Session to regulate the Rates and Dues of,	11 and 12 Vict. cap. 74. 1848.	88
Registration of Sasines, to authorize the Lords of Council and Session to regulate the Rates or Dues of, to be charged by the Keepers of the Registers of Sasines, Reversions, &c.,	11 and 12 Vict. cap. 74. 1848.	88
——— of Births, Deaths, and Marriages, to provide for the better,	17 and 18 Vict. cap. 80. 1854.	77
——— to make further Provision for,	18 Vict. cap. 29. 1855.	30
——— and Marriage Acts, to amend,	19 and 20 Vict. cap. 119. 1856.	303
——— of Long Leases, and Assignations thereof, to provide for,	20 and 21 Vict. cap. 26. 1857.	24
——— of Voters to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs,	19 and 20 Vict. cap. 58. 1856.	141
Regulation and Incorporation of Joint Stock Companies,	19 and 20 Vict. cap. 47. 1856.	46
——— *See* also Joint Stock Companies.		
Relief, to grant, in assessing the Income-Tax on Lands in respect of certain Public Burdens,	19 and 20 Vict. cap. 80. 1856.	240
——— of the Poor, to amend the Law relating to the,	19 and 20 Vict. cap. 117. 1856.	302
Religious Worship; to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education hold Real Property required for such Purposes,	13 Vict. cap. 13. 1850.	4

			Page
Religious Worship, for securing liberty of,	18 and 19 Vict. cap.	86. 1855.	83
Removal of Aliens from the Realm, to authorize for One Year, and to the End of the then Session of Parliament,	11 Vict. cap.	20. 1848.	21
——— of Nuisances, to renew and amend 9 and 10 Vict. c. 96, for the more speedy,	11 and 12 Vict. cap.	123. 1848.	203
——— and Diseases Prevention Act, 1848 (11 and 12 Vict. c. 123); to amend,	12 and 13 Vict. cap.	111. 1849.	81
——— to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns (*repealing preceding Acts*),	19 and 20 Vict. cap.	103. 1856.	262
Representative Peers, to regulate certain Proceedings in relation to the Election of,	14 and 15 Vict. cap.	87. 1851.	61
——— to amend 14 and 15 Vict. c. 87, to regulate certain Proceedings in relation to the Election of,	15 and 16 Vict. cap.	35. 1852.	28
Representation (Parliamentary) in Scotland, to amend 2 and 3 Will. IV. c. 65, so far as relates to the Procedure in County Elections in that Country,	18 Vict. cap.	24. 1855.	24
See also Elections.			
Retailers of Spirits, to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and,	11 and 12 Vict. cap.	121. 1848.	169
Revenue (Inland); consolidating the Boards of Excise and Stamps and Taxes into One Board of Commissioners of, and to make Provision for the Collection of such Revenue,	12 Vict. cap.	1. 1849.	1
——— for the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue,	18 and 19 Vict. cap.	90. 1855.	*105
Reversions, to authorize the Lords of Council and Session to regulate the Rates or Dues to be charged by the Keepers of the Register of Sasines and Reversions,	11 and 12 Vict. cap.	74. 1848.	88
Rice, to permit the use of, in the Distillation of Spirits,	19 and 20 Vict. cap.	51. 1856.	109
Roads and Bridges, and other Works in the Highlands, to alter the Mode of assessing the Funds leviable in the County of Inverness, for making and maintaining certain,	11 and 12 Vict. cap.	40. 1848.	57
—— for amending the Acts relating to Highland Roads and Bridges,	14 and 15 Vict. cap.	66. 1851.	32
—— (Turnpike) Acts Continuance; to continue certain Turnpike Acts in Great Britain, and to make certain Provisions respecting Turnpike Roads in England,	12 and 13 Vict. cap.	87. 1849.	63
——— and Bridges; transmission of annual Abstracts and Statements of Trustees of,	12 and 13 Vict. cap.	31. 1849.	25
Russian Government Securities; to render any Dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanor,	17 and 18 Vict. cap.	123. 1854.	216
Sale of Arsenic Regulation,	14 Vict. cap.	13. 1851.	5
—— of Beer Regulations, for regulating the Sale of Beer and other Liquors on the Lord's Day,	11 and 12 Vict. cap.	49. 1848.	63

		Page App.
Salmon Fisheries in the River Tweed, *Local*,	20 and 21 Vict. cap. 148. 1857.	
Sasines, to authorize the Lords of Council and Session to regulate the Rates or Dues to be charged by the Keepers of the Registers of Reversions and,	11 and 12 Vict. cap. 74. 1848.	88
Savings Banks Annuities; to consolidate and amend the Laws, and to grant additional Facilities in relation to the Purchase of Government Annuities through the medium of Savings Banks, and to make other Provisions in respect thereof,	16 and 17 Vict. cap. 45. 1853.	76
——— to make further Provision for the Establishment of, for Seamen,	19 and 20 Vict. cap. 41. 1856.	41
School Grants; to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education,	18 and 19 Vict. cap. 131. 1855.	209
Schools (Reformatory and Industrial), to render, more available for the Benefit of Vagrant Children,	17 and 18 Vict. cap. 74. 1854.	71
——— for the better Care and Reformation of Youthful Offenders,	17 and 18 Vict. cap. 86. 1854.	126
——— to amend the Act to render Reformatory and Industrial Schools more Available for the Benefit of Vagrant Children,	18 and 19 Vict. cap. 67. 1855.	85
——— further Provision for rendering, more available for the Benefit of Vagrant Children,	19 and 20 Vict. cap. 28. 1856.	19
——— (Reformatory and Industrial), to amend the Mode of committing Criminal and Vagrant Children to,	19 and 20 Vict. cap. 109. 1856.	287
——— to extend and explain the Provisions of the Acts for granting Sites for,	12 and 13 Vict. cap. 49. 1849.	32
——— to amend the Acts for the granting Sites for,	14 Vict. cap. 24. 1851.	9
Schoolmasters (Parochial), to regulate the Salaries of,	17 and 18 Vict. cap. 93. 1854.	159
——— further to regulate the Salaries of,	20 and 21 Vict. cap. 59. 1857.	61
Seamen, to make further Provision for the Establishment of Savings Banks for,	19 and 20 Vict. cap. 41. 1856.	41
Sea-going Vessels, to consolidate and amend the Laws relating to the Boats and Lights to be carried by,	14 and 15 Vict. cap. 79. 1851.	42
Securities (Heritable), to extend the Benefits of 8 and 9 Vict. c. 31, and 10 and 11 Vict. c. 50, relating to the Constitution, Transmission, and Extinction of,	17 and 18 Vict. cap. 62. 1854.	62
——— (Russian Government), to render any dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanor,	17 and 18 Vict. cap. 123. 1854.	216
——— to the Inland Revenue, to amend the Law relating to,	18 and 19 Vict. cap. 78. 1855.	79
——— for Debts, to amend and re-enact certain Provisions of the Act 54 Geo. III., relating to Judicial Procedure and,	19 and 20 Vict. cap. 91. 1856.	252
——— (Real), to remove Doubts as to the Law of Bankruptcy and,	20 and 21 Vict. cap. 19. 1857.	20
Session, Lords of Council and, to authorize to regulate the Rates and Dues of Registration of Sasines,	11 and 12 Vict. cap. 74. 1848.	88

			Page
Session (Court of), in Scotland, to facilitate Procedure in,	13 and 14 Vict. cap.	36. 1850.	144
——— (Court of), to constitute the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer,	19 and 20 Vict. cap.	56. 1856.	110
——— (Court of,) to regulate the Distribution of Business in the,	20 and 21 Vict. cap.	56. 1857.	55
Sequestration; to consolidate and amend the Laws relating to Bankruptcy,	19 and 20 Vict. cap.	79. 1856.	171
——— to remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland,	20 and 21 Vict. cap.	19. 1857.	20
See also Bankruptcy.			
Sheep, to prevent, until 1st September 1850, the spreading of contagious or infectious Disorders among,	11 and 12 Vict. cap.	107. 1848.	155
—— to prohibit the Importation of, for the Purpose of preventing the Introduction of contagious or infectious Disorders,	11 and 12 Vict. cap.	105. 1848.	153
—— and Cattle, Contagious Disorders Prevention Continuance; continuing 11 and 12 Vict. c. 107,	13 and 14 Vict. cap.	71. 1850.	178
—— &c. Contagious Disorders Prevention; to continue 11 and 12 Vict. c. 107, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals,	14 and 15 Vict. cap.	69. 1851.	39
——— to extend and continue 11 and 12 Vict. c. 107, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals,	16 and 17 Vict. cap.	62. 1853.	181
—— to continue certain Acts to prevent the spreading of contagious Disorders among,	19 and 20 Vict. cap.	101. 1856.	261
Sheriff and Commissary Courts; for empowering the Sheriff and Commissary of Berwickshire to hold Courts at Dunse, and for other Purposes,	16 Vict. cap.	27. 1853.	14
—— Courts, to facilitate Procedure in,	16 and 17 Vict. cap.	80. 1853.	205
Sheriff and Sheriff Clerk of Chancery, to provide for Payment of the Salaries of,	17 and 18 Vict. cap.	72. 1854.	69
Sheriffs, to diminish the Number of, and to unite certain Counties in so far as regards the Jurisdiction of the Sheriff,	16 and 17 Vict. cap.	92. 1853.	257
Shipping; to make further Provision for One Year for the Carriage of Passengers by Sea to North America,	11 Vict. cap.	6. 1848.	7
——— (British); to amend the Laws in force for the Encouragement of (*repealed by* 17 *and* 18 *Vict. cap.* 120. 1854),	12 and 13 Vict. cap.	29. 1849.	15
——— for the further Regulation of Steam Navigation, and for limiting in certain cases the Number of Passengers to be conveyed in Steam Vessels,	11 and 12 Vict. cap.	81. 1848.	94
——— to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels (*repealed by* 17 *and* 18 *Vict. cap.* 120, 1854),	14 and 15 Vict. cap.	79. 1851.	42
——— to amend various Laws relating to Merchant Shipping (*repealed by* 17 *and* 18 *Vict. cap.* 120. 1854, *except sec.* 12, 13, 24, 28, *and* 29),	16 and 17 Vict. cap.	131. 1853.	356

		Page
Shipping, to amend and consolidate the Acts relating to Merchant Shipping,	17 and 18 Vict. cap. 104. 1854.	*App.*
——— to repeal certain Acts and Parts of Acts relating to Merchant Shipping,	17 and 18 Vict. cap. 120. 1854.	*App.*
——— Merchant Shipping Act, 1854, to amend,	18 and 19 Vict. cap. 91. 1855.	107
——— to amend the Law relating to Bills of Lading,	18 and 19 Vict. cap. 111. 1855.	203
——— to amend the Law relating to the Carriage of Passengers by Sea,	18 and 19 Vict. cap. 119. 1855.	207
Ships; to admit Foreign Ships to the Coasting Trade (*sec.* 4 *repealed by* 17 *and* 18 *Vict. cap.* 120. 1854),	17 Vict. cap. 5. 1854.	4
Silver. *See* Gold and Silver Wares.		
Sites for Schools; to extend and explain the Provisions of the Acts for granting,	12 and 13 Vict. cap. 49. 1849.	32
——— to amend the Acts for the granting of,	14 Vict. cap. 24. 1851.	9
Small Debt Courts, to amend 6 Geo. IV. c. 48, for regulating the Justice of Peace,	12 and 13 Vict. cap. 34. 1849.	28
Smoke of Furnaces, for the Abatement of the Nuisance arising from,	20 and 21 Vict. cap. 73. 1857.	161
Soap Duties; to continue certain of the Allowances of the Excise Duty on Soap used in Manufactures,	14 and 15 Vict. cap. 59. 1851.	27
——— to repeal the Duties, Allowances, and Drawbacks of Excise on,	16 and 17 Vict. cap. 39. 1853.	74
Societies associated for Purposes of Religious Worship or Education, to render more simple and effectual the Titles by which they hold Real Property required for such Purposes,	13 Vict. cap. 13. 1850.	4
——— to legalize the Formation of Industrial and Provident,	15 and 16 Vict. cap. 31. 1852.	17
——— (Industrial and Provident), to amend the Act of 1852,	17 and 18 Vict. cap. 25. 1854.	16
——— (Industrial and Provident), to amend Act 17 and 18 Vict. cap. 25, relating to,	19 and 20 Vict. cap. 40. 1856.	40
——— (Friendly), to consolidate and amend the Laws relating to,	13 and 14 Vict. cap. 115. 1850.	251
——— to continue and amend 13 and 14 Vict. c. 115, to consolidate the Laws relating to,	15 and 16 Vict. cap. 65. 1852.	45
——— to amend the Laws relating to the Investments of,	16 and 17 Vict. cap. 123. 1853.	354
——— to make further Provisions in relation to certain,	17 and 18 Vict. cap. 56. 1854.	54
——— to consolidate and amend the Law relating to,	18 and 19 Vict. cap. 63. 1855.	41
Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark for the Redemption of,	20 and 21 Vict. cap. 12. 1857.	6
Specifications. *See* Patents.		
Spirit of Wine, allowed to be used Duty-Free in the Arts and Manufactures of the United Kingdom,	18 and 19 Vict. cap. 38. 1855.	35
Spirits or Strong Waters, to alter the Duties payable on the Importation of,	11 and 12 Vict. cap. 60. 1848.	74
——— to permit the Distillation of, from Sugar, Molasses, or Treacle,	11 and 12 Vict. cap. 100. 1848.	139
——— to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of, and respecting the Sale and		

				Page
Removal of Spirits by Permit from the Stock of such Traders,	11 and 12 Vict. cap.	121.	1848.	169
Spirits, to impose additional Duties in Scotland and Ireland,	16 and 17 Vict. cap.	37.	1853.	51
——— to alter the Duties of Customs on,	17 and 18 Vict. cap.	29.	1854.	35
——— &c.; for granting certain Additional Rates and Duties of Excise,	18 Vict. cap.	22.	1855.	12
——— to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-Free in the distilling of Spirits, instead of Allowances and Drawbacks on such Spirits, Sugar, and Molasses, respectively,	18 and 19 Vict. cap.	94.	1855.	114
——— to permit the Use of Rice in the Distillation of,	19 and 20 Vict. cap.	51.	1856.	109
Stage and Hackney Carriage Acts, to explain and amend the Law respecting Proceedings for Duties and Penalties under,	11 and 12 Vict. cap.	118.	1848.	164
—— Carriages, to reduce certain Duties on,	18 and 19 Vict. cap.	78.	1855.	79
—— *See* also Assessed Taxes.				
Stamps and Taxes and Excise; consolidating the Boards of, into One Board of Commissioners of Inland Revenue,	12 Vict. cap.	1.	1849.	1
Stamp Duties, to repeal certain, and to grant others in lieu thereof; and to amend the Laws relating to the Stamp Duties,	13 and 14 Vict. cap.	97.	1850.	201
——— to substitute Stamp Duties for Fees in passing Letters Patent for Inventions,	16 Vict. cap.	5.	1853.	3
——— to repeal certain Stamp Duties and to grant others in lieu thereof, to amend the Laws relating to Stamp Duties, and to make perpetual certain Stamp Duties in Ireland,	16 and 17 Vict. cap.	59.	1853.	168
——— to repeal certain Stamp Duties, and to grant others in lieu thereof, to give Relief with respect to the Stamp Duties on Newspapers and Supplements thereto, to repeal the Duty on Advertisements, and otherwise to amend the Laws relating to Stamp Duties,	16 and 17 Vict. cap.	63.	1853.	182
——— to amend the Law relating to the Stamp Duties upon Newspapers,	16 and 17 Vict. cap.	71.	1853.	202
——— to amend the Laws relating to Stamp Duties on Newspapers,	18 Vict. cap.	27.	1855.	26
——— to amend the Laws relating to Stamp Duties,	17 and 18 Vict. cap.	83.	1854.	112
——— further to amend the Laws relating to Stamp Duties,	18 and 19 Vict. cap.	78.	1855.	79
——— to reduce, on certain Instruments of Proxy,	19 and 20 Vict. cap.	81.	1856.	243
Standard of Gold and Silver Wares; for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Laws relating to the Assaying of Gold and Silver Wares,	17 and 18 Vict. cap.	96.	1854.	157
Steam Navigation, to consolidate and amend the Laws relating to the Regulation of, and to the Boats and Lights to be carried by, Sea-going Vessels,	14 and 15 Vict. cap.	79.	1851.	42

			Page
Steam Navigation, for the further Regulation of, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels,	11 and 12 Vict. cap.	81. 1848.	94
——— *See* Shipping.			
Stock (Joint) Companies, Incorporation and Regulation of (*Limited Liability*),	19 and 20 Vict. cap.	47. 1856.	46
—— *See* also Joint Stock Companies.			
Succession Duty; for granting to Her Majesty Duties on Succession to Property, and for altering certain Provisions of the Acts charging Duties on Legacies, and Shares of Personal Estates,	16 and 17 Vict. cap.	51. 1853.	90
Succession; to alter in certain respects the Law of Intestate Moveable Succession in Scotland,	18 Vict. cap.	23. 1855.	21
Sugar, to repeal the Duties of Customs upon the Importation of, and to impose new Duties in lieu thereof,	11 and 12 Vict. cap.	97. 1848.	103
—— to permit the Distillation of Spirits from,	11 and 12 Vict. cap.	100. 1848.	139
—— to alter the Duties of Customs on,	17 and 18 Vict. cap.	29. 1854.	35
—— for granting certain Duties of Excise on, made in the United Kingdom,	17 and 18 Vict. cap.	30. 1854.	39
—— for granting certain Duties of Customs on,	18 Vict. cap.	21. 1855.	8
—— for granting certain additional Rates and Duties of Excise,	18 Vict. cap.	22. 1855.	12
—— to allow Sugar to be used Duty-Free in the distilling of Spirits in lieu of Allowances and Drawbacks on such Sugar,	18 and 19 Vict. cap.	94. 1855.	114
—— for granting certain Duties of Customs on Tea, Sugar, and other Articles,	20 Vict. cap.	15. 1857.	6
Suit (Crown), for the Payment of Costs in, in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer,	18 and 19 Vict. cap.	90. 1855.	*105
—— (Foreign), to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals,	19 and 20 Vict. cap.	113. 1856.	299
—— to regulate the Institution of, at the Instance of the Crown and the Public Departments in the Courts of Scotland,	20 and 21 Vict. cap.	44. 1857.	45
Sunday, for regulating the Sale of Beer and other Liquors on,	11 and 12 Vict. cap.	49. 1848.	63
Superannuation in the Civil Service; to repeal the Twenty-seventh Section of the Superannuation Act, 1834 (4 and 5 Will. IV. c. 24),	20 and 21 Vict. cap.	37. 1857.	43
Supply (Commissioners of), to constitute all legally qualified Persons, without being named in an Act of Supply,	19 and 20 Vict. cap.	93. 1856.	256
——— to amend the Commissioners of Supply (Scotland) Act, 1856 (19 and 20 Vict. c. 93),	20 Vict. cap.	11. 1857.	4
Tariff; for the Amendment and Consolidation of the Customs Tariff Acts,	18 and 19 Vict. cap.	97. 1855.	148
——— Consolidating Customs Duties Acts,	16 and 17 Vict. cap.	106. 1853.	295
Tax (Income), to continue the Act for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives,	20 and 21 Vict. cap.	5. 1857.	4

			Page
Tax (Income), to grant Relief in assessing on Lands in respect of certain Public Burdens,	19 and 20 Vict. cap.	80. 1856.	240
——— to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices,	20 Vict. cap.	6. 1857.	2
Tax (Land), to appoint additional Commissioners for executing the Acts for granting same, and other Rates and Taxes,	11 and 12 Vict. cap.	62. 1848.	75
Taxes (Assessed), to continue and amend the Acts for authorizing a Composition for,	13 and 14 Vict. cap.	97. 1850.	201
—— to repeal certain Duties of, and to grant other Duties of the same Description,	16 and 17 Vict. cap.	90. 1853.	239
—— to explain and amend 16 and 17 Vict. c. 90, relating to the Duties of,	17 Vict. cap.	1. 1854.	1
—— to amend the Laws relating to the Payment of Land and Assessed Taxes and Property and Income-Tax,	20 and 21 Vict. cap.	28. 1857.	39
—— and Excise and Stamps, consolidating the Boards of, into One Board of Commissioners of Inland Revenue,	12 Vict. cap.	1. 1849.	1
—— *See* also Income-Tax, Land Tax.			
Tea, to suspend the Decline of the Customs Duties on, from and after the 5th April 1855,	18 Vict. cap.	9. 1855.	3
—— for granting certain Duties of Customs on,	18 Vict. cap.	21. 1855.	8
—— for granting certain Duties of Customs on Tea, Sugar, and other Articles,	20 Vict. cap.	15. 1857.	6
Titles of Religious Congregations; to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education hold real Property required for such Purposes,	13 Vict. cap.	13. 1850.	4
—— (Ecclesiastical), to prevent the Assumption of, in respect of Places in the United Kingdom,	14 and 15 Vict. cap.	60. 1851.	28
Towns and populous Places, to make more effectual Provision for regulating the Police of, and for paving, draining, and improving the same,	13 and 14 Vict. cap.	33. 1850.	17
Towns (Health of); to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns,	19 and 20 Vict. cap.	103. 1856.	262
Town Councils of Burghs. *See* Burghs.			
Trade and Commerce, to amend the Laws affecting,	19 and 20 Vict. cap.	60. 1856.	161
Trades, to continue for Three Years the Duties on Profits arising from,	11 Vict. cap.	8. 1848.	12
——— to continue the Duties on Profits arising from,	14 Vict. cap.	12. 1851.	3
——— to continue the Duties,	15 Vict. cap.	20. 1852.	11
——— to extend the Duties to Incomes from £100 to £150,	16 and 17 Vict. cap.	34. 1853.	23
——— for granting additional Duties on Profits arising from,	17 Vict. cap.	10. 1854.	6
——— for granting an increased Rate of Duty on Profits arising from,	17 Vict. cap.	24. 1854.	12
——— for granting an increased Rate of Duty on Profits arising from,	18 Vict. cap.	20. 1855.	5
——— to reduce the Rate of Duty,	20 Vict. cap.	6. 1857.	2
——— to amend the Laws relating to the Payment of Duties,	20 and 21 Vict. cap.	28. 1857.	39

			Page
Trades. *See* Income-Tax.			
Traffic on Railways and Canals, for the better Regulation of,	17 and 18 Vict. cap. 31. 1854.		43
Transportation, to substitute in certain Cases other Punishment in lieu of,	16 and 17 Vict. cap. 99. 1853.		287
——— to amend the Act 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of,	20 and 21 Vict. cap. 3. 1857.		2
Treacle, to permit the Distillation of Spirits from,	11 and 12 Vict. cap. 100. 1848.		139
Treating at Elections of Members of Parliament, to consolidate and amend the Laws relating to,	17 and 18 Vict. cap. 102. 1854.		161
——— *See* also Elections.			
Trials by Jury, to allow Verdicts on, in Civil Causes, to be returned, although the Jury may not be unanimous,	17 and 18 Vict. cap. 59. 1854.		58
Turnpike Roads and Bridges (Trustees of); for requiring the Transmission of the annual Abstracts and Statements of, to the Secretary of State, to be laid before Parliament,	12 and 13 Vict. cap. 31. 1849.		25
——— Acts continuance; to continue certain Turnpike Acts in Great Britain, and to make certain Provisions respecting Turnpike Roads in England,	12 and 13 Vict. cap. 87. 1849.		63
——— *See* also Roads.			
Tweed Fisheries, Regulation of,	*Local*,	20 and 21 Vict. cap. 118. 1857.	*App.*
Universities; to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland,	16 and 17 Vict. cap. 89. 1853.		237
Usury; to repeal the Laws relating to,	17 and 18 Vict. cap. 90. 1854.		130
Vagrant Children; to render Reformatory and Industrial Schools more available for,	17 and 18 Vict. cap. 74. 1854.		71
——— to amend the Act to render Reformatory Schools more available for the Benefit of,	18 and 19 Vict. cap. 87. 1855.		85
——— to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of,	19 and 20 Vict. cap. 28. 1856.		19
——— and Criminal Children, to amend the Mode of committing to Reformatory and Industrial Schools,	19 and 20 Vict. cap. 109. 1856.		287
——— *See* also Youthful Offenders.			
Valuation of Lands and Heritages,	17 and 18 Vict. cap. 91. 1854.		133
——— amending the Act 17 and 18 Vict. c. 91, for the,	20 and 21 Vict. cap. 58. 1857.		59
Verdicts on Trials by Jury in Civil Causes allowed to be returned although the Jury may not be unanimous,	17 and 18 Vict. cap. 59. 1854.		58
Vessels, to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels,	14 and 15 Vict. cap. 79. 1851.		42
——— for the further regulation of Steam Navigation, and for limiting in certain cases the Number of Passengers to be conveyed in Steam Vessels,	11 and 12 Vict. cap. 81. 1848.		94

		Page
Vessels, to amend and consolidate the Acts relating to Merchant Shipping,	17 and 18 Vict. cap. 104. 1854.	*App.*
——— to repeal certain Acts and Parts of Acts relating to Merchant Shipping,	17 and 18 Vict. cap. 120. 1854.	*App.*
Victoria Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of Improving the Victoria Harbour,	20 and 21 Vict. cap. 63. 1857.	72
Voters; to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes,	20 and 21 Vict. cap. 70. 1857.	77
——— Registration of, in Burghs,	19 and 20 Vict. cap. 58. 1856.	141
Wedding Rings; for excepting Gold Wedding Rings from the Operation of 17 and 18 Vict. c. 96, relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares,	18 and 19 Vict. cap. 60. 1855.	39
Weights; for Regulating the Weights used in Sales of Bullion,	16 and 17 Vict. cap. 29. 1853.	20
White Herring Fishery (British), to amend the Acts relating to,	14 and 15 Vict. cap. 26. 1851.	10
Winding-up Acts, 1848 and 1849, to amend the,	20 and 21 Vict. cap. 78. 1857.	166
——— of Joint Stock Companies. *See* Joint Stock Companies.		
Windows, to repeal the Duties payable on Dwelling Houses according to the Number of,	14 and 15 Vict. cap. 36. 1851.	18
Witnesses, to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the attendance of, out of their Jurisdiction, and to give Effect to the Service of such Process in any part of the United Kingdom,	17 and 18 Vict. cap. 34. 1854.	4
Working Classes, to facilitate the Erection of Dwelling Houses for,	18 and 19 Vict. cap. 88. 1855.	87
Worship (Religious), for securing the Liberty of,	18 and 19 Vict. cap. 86. 1855.	83
Youthful Offenders, for the better Care and Reformation of,	17 and 18 Vict. cap. 86. 1854.	126
——— to amend 17 and 18 Vict. c. 86, for the better Care and Reformation of, and the Act 17 and 18 Vict. c. 74, to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children,	18 and 19 Vict. cap. 87. 1855.	85
——— *See* also Industrial Schools.		

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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-SECOND YEAR

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the THIRD SESSION of the SEVENTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION.

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CONTENTS.

Page

A TABLE OF THE PUBLIC GENERAL STATUTES passed in the Third Session of the Seventeenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A TABLE OF ALL THE LOCAL AND PERSONAL ACTS, declared public, and to be judicially noticed, do. do. . 30

PRIVATE ACT, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, ... 33

PRIVATE ACT, not printed, ... 33

INDEX to Statutes affecting Scotland, ... 34

INDEX to all the Public General Acts, ... 36

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

CAP. X. An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath, ... 3

CAP. XI. An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India, ... 4

CAP. XII. An Act to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State, ... 7

CAP. XIII. An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War, ... 11

CAP. XX. An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals, ... 16

CAP. XXI. An Act to amend the Medical Act (1858), ... 18

CAP. XXVI. An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, ... 20

CAP. XXX. An Act to amend the "Confirmation and Probate Act, 1858," 27

CAP. XXXII. An Act to amend the Law concerning the Remission of Penalties, ... 28

CAP. XXXIV. An Act to amend and explain an Act of the Sixth Year of the Reign of King George the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof, ... 29

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

CAP. I.

An Act more effectually to prevent Danger to the Public Health from Places of Burial.—[25*th* March 1859.] (England.)

CAP. II.

An Act to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of January *and other Days.*—[25*th* March 1859.]

CAP. III.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[25*th* March 1859.]

CAP. IV.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[25*th* March 1859.]

CAP. V.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.—[25*th* March 1859.]

CAP. VI.

An Act to apply the Sum of One million two hundred twenty-two thousand three hundred and eighty-three Pounds Eight Shillings and Ninepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and fifty-nine.*—[25*th* March 1859.]

CAP. VII.

An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.—[25*th* March 1859.]

CAP. VIII.

An Act to repeal the Thirty-second Section of the Act "for the more easy Recovery of Small Debts and Demands in England," *and to make further Provision in lieu thereof.*—[25*th* March 1859.]

CAP. IX.

CAP. IX.

An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen, and Miss Sophia Broadley.—[25*th* March 1859.]

CAP. X.

An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath.—[8*th* April 1859.]

WHEREAS it is expedient to alter the Form of Affirmation to be taken by Persons of the Persuasion of the People called Quakers and by other Persons by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath in the Cases herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Form of Affirmation to be made by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath as in 21 & 22 Vict. c. 48.

I. Instead of the Form of Affirmation directed to be made and subscribed by Persons of the Persuasion of the People called Quakers and other Persons by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath in and by an Act of the Twenty-second Year of Her present Majesty, intituled *An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion*, every Person of the Persuasion of the People called Quakers, and every other Person now by Law permitted to make his solemn Affirmation or Declaration instead of taking an Oath, shall be permitted to make his solemn Affirmation in the following Words; namely,

'I *A.B.* do solemnly, sincerely, and truly declare and affirm, 'That I will be faithful and bear true Allegiance to Queen '*Victoria*, and to Her will be faithful against all Conspiracies 'and Attempts whatever which shall be made against Her 'Person, Crown, or Dignity; and I will do my utmost Endea-'vour to disclose and make known to Queen *Victoria*, Her Heirs

'Heirs and Successors, all Treasons and traitorous Conspiracies which I shall know to be formed against Her or Them; 'and I will be true and faithful to the Succession of the Crown, 'which Succession, by an Act intituled "An Act for the fur- '"ther Limitation of the Crown, and better securing the '"Rights and Liberties of the Subject," is and stands limited 'to the Princess *Sophia* Electress of *Hanover*, and the Heirs 'of Her Body being Protestants, hereby utterly renouncing 'and refusing any Obedience or Allegiance unto any other 'Person claiming or pretending a Right to the Crown of this 'Realm; and I do declare that no Foreign Prince, Person, 'Prelate, State, or Potentate hath or ought to have any Juris- 'diction, Power, Superiority, Pre-eminence, or Authority, 'Ecclesiastical or Spiritual, within this Realm:'

And the making and subscribing of such Affirmation by a Person herein-before authorized to make and subscribe the same shall have the same Force and Effect as the taking and subscribing by other Persons of the Oath appointed by the said Act of the Twenty-second Year of Her present Majesty.

The Name of the Sovereign for the Time being to be substituted for the Name of her Majesty.

II. Where in the Affirmation hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the Crown, and "better securing the Rights and Liberties of the Subject," shall be substituted from Time to Time, with proper Words of Reference thereto.

CAP. XI.

An Act to enable the Secretary of State in Council of India *to raise Money in the United Kingdom for the Service of the Government of* India.—[8*th* April 1859.]

WHEREAS, in consequence of the recent Disturbances in *India*, it is expedient that the Secretary of State in Council of *India* should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of *India*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It

Power to the Secretary of State in Council of India to raise any Sum not exceeding Seven Millions.

I. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom for the Service of the Government of *India* any Sum or Sums of Money not exceeding in the whole Seven Millions as herein-after provided.

Money may be raised on Bonds under the Hands of Three Members of the Council of India, countersigned by Secretary of State, or One Under Secretary.

II. It shall be lawful for the said Secretary of State in Council from Time to Time to borrow upon Bonds to be issued under the Hands of Three Members of the Council of *India*, and countersigned by the Secretary of State for *India*, or One of his Under Secretaries or his Assistant Under Secretary, all or any Part of the Money hereby authorized to be raised as aforesaid; such Bonds to be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest as the said Secretary of State in Council may think fit.

When Money not borrowed on Bond, Debentures may be issued.

III. For raising all or any Part of the Money by this Act authorized to be raised which may not be borrowed on Bond as aforesaid, it shall be lawful for the said Secretary of State in Council to issue from Time to Time Debentures under the Hands of Three Members of the said Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the said Secretary of State in Council may think fit; such Debentures to be issued at or for such Prices and on such Terms as may be determined by the said Secretary of State in Council.

As to Payment of Principal and Interest on Debentures.

IV. All Debentures issued under the Authority of this Act shall be paid off at par at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be payable half-yearly, on such Days as shall be mentioned therein; and the Principal Moneys and Interest secured by such Debentures shall be payable at the Treasury of the said Secretary of State in Council in *London*.

Debentures transferable by Delivery or Deed.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal Moneys secured thereby, and all Interest due and accruing thereon, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed.

The whole Amount secured by Bonds, &c. not to exceed Seven Millions.

VI. The whole Amount of Principal Moneys to be secured by Bonds or Debentures, or by Bonds and Debentures, to be issued under this Act, shall not exceed Seven Millions, and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty, or, if Parliament be then sitting, after the End

End of the then Session of Parliament, save for or upon the Repayment of Principal Moneys previously secured under this Act, as herein-after provided.

Power to raise Money for Repayment of Principal Moneys.

VII. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the said Secretary of State in Council may at any Time borrow or raise by Bonds or Debentures as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time, as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

Securities to be charged on Revenues of India.

VIII. All Bonds and Debentures to be issued under this Act, and the Principal Moneys and Interest thereby secured, shall be charged on and payable out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

IX. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East India Bonds.

X. All Provisions now in force in anywise relating to the Offence of forging, or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.

XI. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Moneys raised on Loan under the Provisions of this Act; also, a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India* at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting; and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

XII. This

XII. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of the passing thereof. Saving Powers of the Secretary of State in Council.

CAP. XII.

An Act to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State.—[8*th* April 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Powers now vested in Her Majesty's Principal Secretary of State for the War Department under the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Sixty-seven, and the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and seventeen, for the Purpose of ascertaining, making, and paying Compensation for and extinguishing all Rights of Common, Commonable and other Rights, in, over, or affecting Lands the Soil of which has been purchased by the principal Officers of Her Majesty's Ordnance under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-four, or has been or may be purchased by the said Secretary of State under the last-mentioned Act and the said Act of the Eighteenth and Nineteenth Years of Her Majesty, shall extend to all Rights of Common, Commonable and other Rights, in, over, or affecting any Lands the Soil of which is for the Time being vested in the said Secretary of State on behalf of Her Majesty, and all the Provisions of the said Act of the Seventeenth and Eighteenth Years of Her Majesty shall apply to and in the Case of the Purchase of such Rights as aforesaid in or over any such Lands as last aforesaid in like Manner as such Provisions are applicable to and in the Case of the Purchase of such Rights in or over any Lands purchased as therein mentioned. Powers of 17 & 18 Vict. c. 67. and 18 & 19 Vict. c. 117. extended to Rights of Common, &c. over any Lands the Soil of which is vested in the Secretary of State for War.

II. Conveyances of Land in *England* and *Ireland* to be purchased by the said Secretary of State may be according to the Form in the Schedule (A.) to this Act, or as near thereto as the Circumstances of the Case admit, and all Conveyances so Conveyances to the Secretary of State for War of

Land in England and Ireland as in Sched. (A.)

so made shall be effectual to vest the Land thereby conveyed in the said Secretary of State and his Successors, and shall operate to bar and destroy all such Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Land comprised in such Conveyances as have been purchased or compensated for by the Consideration given on the Purchase, but this Enactment shall not in anywise interfere with or affect Section Eight of the said Act of the Fifth and Sixth Years of Her Majesty.

Conveyances to the Secretary of State for War of Land in Scotland as in Sched. (B.)

III. Feus and Conveyances of Lands and Heritages in *Scotland* to be purchased by the said Secretary of State may be according to the Form in the Schedule (B.) to this Act, or as near thereto as the Circumstances of the Case admit, which Feus and Conveyances being duly executed and being registered in the Particular Register of Sasines kept for the County, Burgh, or District in which the Lands and Heritages are locally situated, or in the General Register of Sasines for *Scotland* kept at *Edinburgh*, within Sixty Days from the last Date thereof, which the respective Keepers of the said Registers are hereby authorized and required to do, shall give and constitute a good and undoubted Right, and complete and valid feudal Title in all Time coming, to the said Secretary of State and his Successors, to the Lands and Heritages therein described or referred to and intended to be thereby conveyed, any Law or Custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the said Secretary of State to record in any Register of Sasines any Feus or Conveyances in their Favour which shall contain a Procuratory of Resignation or Precept of Sasine, or which may be completed by Infeftment; and the Title of the said Secretary of State under such last-mentioned Feus or Conveyances shall be regulated by the ordinary Law of *Scotland* until the said Feus or Conveyances or the Instruments of Sasine thereon shall have been recorded in a Register of Sasines; provided also, that the Rights and Titles to be granted in manner herein mentioned in and to any Lands and Heritages in *Scotland* shall, unless otherwise specially provided for, in nowise affect or diminish the Right of Superiority in the same, which shall remain entire in the Person granting such Rights and Titles; but in the event of such Lands and Heritages being a Part or Portion of other Lands and Heritages held by the same Owner under the same Titles, the said Secretary of State, his Successors and Assigns, shall not be liable for any Feu Duties or Casualties to the Superiors thereof, or be bound to enter with the said Superiors.

Provision as to Erections on

IV. The Proviso at the End of Section Nineteen of the said Act of the Fifth and Sixth Years of Her Majesty shall not extend

tend to prevent the Erection of Barracks on any Lands taken as therein mentioned, and being within any Fortress or Garrison Town or appurtenant to any Fortification, or to prevent any Buildings on any such Lands being used as or for Barracks. Lands taken compulsorily.

V. Where any Lease or Agreement of or concerning Land in *England* vested in the said Secretary of State on behalf of Her Majesty is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), Possession of such Land may be recovered by or on behalf of the said Secretary of State under the Act of the Session holden in the First and Second Years of Her Majesty, Chapter Seventy-four, as in Cases therein provided, for although the Term or Interest of the Lessee or Tenant may have exceeded Seven Years, and the Rent may have exceeded the Rate of Twenty Pounds a Year, or such Possession may be recovered with Rent or Mesne Profits, or both, under the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One Hundred and eight, as in Cases provided for in Section Fifty of such Act, and other Provisions auxiliary thereto, although the Value of the Premises and the Rent which may have been payable in respect thereof may have exceeded Fifty Pounds by the Year; and in proceeding under the said Act of First and Second Years of Her Majesty for Recovery of Possession of any Land which may have been holden under any such Lease or Agreement as aforesaid, the Notice of Intention to apply to Justices to recover Possession may require such Possession to be given on or before the Expiration of Seven clear Days from the Service of the Notice, and the Form of Notice shall be varied accordingly; and the Justices by the said Act authorized to issue a Warrant for giving Possession of the Premises may by such Warrant authorize the Entry and Delivery of Possession of the Premises, either forthwith, or on or before such Day as the Justices may think fit to name; and in proceeding under the said Act of the Nineteenth and Twentieth Years of Her Majesty for the Recovery of Possession as aforesaid it shall not be necessary to prove the yearly Value and Rent as thereby required. Recovery of Possession of Land in England from Tenants. 1 & 2 Vict. c. 74. 19 & 20 Vict. c. 108.

VI. When any Lease or Agreement of or concerning Land in *Ireland* vested in the said Secretary of State on behalf of Her Majesty is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), Possession of such Land may be recovered by or on behalf of the said Secretary of State either as provided by Section Seventy-two of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, in the Case of Lands Recovery of Possession of Land in Ireland from Tenants. 14 & 15 Vict. c. 57.

 holden

holden by a Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and the Tenant's Interest wherein is determined, notwithstanding the Rent payable under such Lease or Agreement may exceed that Amount, and the Provisions of the said Act shall be applicable accordingly, or as provided by Section Fifteen of "The Summary Jurisdiction (*Ireland*) Act, 1851," for the Recovery of Possession of Houses in certain Towns and Villages; and such last-mentioned Provision shall be applicable in all Cases to the Recovery of Land in *Ireland* holden under any such Lease or Agreement as aforesaid where such Lease or Agreement is determined as aforesaid, wherever such Land may be situate, and at and for whatever Rent and Term the same may be holden; and notwithstanding anything to the contrary in the said Provision, the Justices authorized to issue a Warrant for giving Possession may by such Warrant authorize such Possession to be given forthwith, or on or before such Day as the Justices may think fit to name, and may, if they think fit, issue such Warrant notwithstanding the Tenant may be willing to give such Undertaking as therein mentioned.

14 & 15 Vict. c. 92. s. 15.

Nothing to lessen Powers of Secretary of State for War.

VII. Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the said Secretary of State if this Act had not been passed.

Construction of "Secretary of State."

VIII. In the Construction of this Act the Style or Title "Her Majesty's Principal Secretary of State for the War Department," and any Expression referring to such Secretary of State, shall mean her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department.

SCHEDULE (A).

Form of Conveyance.

I of in consideration of the Sum of paid to me by Her Majesty's Principal Secretary of State for the War Department, do hereby convey to the said Secretary of State, and his Successors, all the Lands and Hereditaments set forth in the Schedule hereto, together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by Law empowered to convey, to hold the Premises to

to the said Secretary of State and his Successors for ever on behalf of Her Majesty.

In witness whereof I have hereunto set my Hand and Seal, the day of in the Year of our Lord .

The Schedule:

SCHEDULE (B).

Form of Conveyance.

I of in consideration of the Sum of Pounds paid to me by her Majesty's Principal Secretary of State for the War Department, do hereby sell, alienate, dispone, convey, assign, and make over from me, my Heirs and Successors, to the said Secretary of State, and his Successors for ever, all the Lands and Heritages set forth in the Schedule hereto, together with all Rights and Pertinents thereto belonging, and all such Right, Title, and Interest in and to the same as I and my aforesaids are or shall become possessed of or are empowered to convey [*here insert the Condition (if any) of the Conveyance, and a Registration Clause for Preservation and Diligence, and a testing Clause, according to the Form of the Law in Scotland*].

The Schedule:

CAP. XIII.

An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.—[8*th* April 1859].

WHEREAS in some Cases of Inventions for Improvements in Instruments or Munitions of War it may be important to the Public Service that the Nature of the Invention should not be published, and it is therefore expedient to amend the Law concerning Letters Patent for Inventions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Improvements in Instruments or Munitions of War may be assigned by Inventors to Secretary of State for War.

I. Any Inventor of any Improvement in Instruments or Munitions of War, or the Executors, Administrators, or Assigns of such Inventor, may, for valuable Consideration or without, assign to Her Majesty's Principal Secretary of State for the War Department, on behalf of Her Majesty, all the Benefit of the Invention, and of all Letters Patent obtained or to be obtained for the same, and such Secretary of State may be a Party to the Assignment, and such Assignment shall be effectual to vest the Benefit of such Invention and of such Letters Patent in the said Secretary of State for the Time being, on behalf of Her Majesty, at Law and in Equity ; and the Benefit of such Invention and of such Letters Patent shall be deemed Property acquired by the said Secretary of State on behalf of Her Majesty ; and all Covenants and Agreements contained in such Assignment for giving full Effect thereto, and for keeping the Invention secret, and otherwise in relation thereto, shall be valid and effectual (notwithstanding any Want of valuable Consideration), and may be enforced and proceeded upon by the said Secretary of State for the Time being accordingly, and all Actions, Suits, and Proceedings in relation thereto may be instituted and conducted by such Secretary of State for the Time being, who shall have all such Rights, Privileges, and Prerogatives in relation thereto as by Law provided in the Case of Actions, Suits, and Proceedings concerning Property under his Care, Control, and Disposition.

Foregoing Enactment to extend to Assignments already made.

II. The foregoing Enactment shall extend to render valid and effectual, and be otherwise applicable to and in respect of any such Assignment as aforesaid made before the passing of this Act, and the Covenants and Agreements contained in such Assignment, as well as any such Assignment to be made thereafter, and the Covenants and Agreements therein contained.

Secretary of State for War may certify to Commissioners of Patents that the Invention should be kept secret.

III. Where any such Assignment as aforesaid has been made to the said Secretary of State he may, at any Time before the filing of the Petition for the Grant of Letters Patent for the Invention, or after the filing of such Petition and before Publication of the Provisional Specification (if any), if he think it for the Benefit of the Public Service that the Particulars of the Invention, and of the Manner in which the same is performed, should be kept secret, certify the Fact of such Assignment having been so made, and his Opinion to the Effect aforesaid, in Writing under his Hand to the Commissioners of Patents for Inventions.

IV. Where the said Secretary of State certifies as aforesaid the

the Petition for Letters Patent for the Invention, the Declaration accompanying such Petition, and the Provisional Specification or Complete Specification (as the Case may be) filed or left therewith, and any Specification to be filed in pursuance of the Condition of any Letters Patent for such Invention, and all Disclaimers and Memoranda of Alterations to be filed in relation to such Letters Patent, and any Drawings accompanying any of the Documents aforesaid, and any Copies of any such Documents or Drawings, or, where the said Secretary of State so certifies after the said Petition has been filed, such of the said Documents and Drawings as may be filed after his so certifying, and the Copies thereof shall, in lieu of being filed or left in the ordinary Manner in the Office of the Commissioners, or in the Office appointed for that Purpose under "The Patent Law Amendment Act, 1852," be delivered to the Clerk of the Patents in a Packet sealed with the Seal of the said Secretary of State.

Where the Secretary of State for War has so certified, Petition for Letters Patent, &c. to be left with the Clerk of the Patents in a Packet under Seal of Secretary of State.

V. Such Packet shall at all Times after the Delivery thereof to the Clerk of the Patents, until the Expiration of the Term or any extended Term for which Letters Patent for the Invention may be granted, be kept by him sealed up as aforesaid, or under the Seal of the Commissioners, save when it may be necessary to have Access to the Documents therein contained, or any of them, for the Purpose of recording and endorsing the Day of the filing thereof, or for the Purpose of any Reference to One of the Law Officers, either in relation to the same or any other Invention; but in any such Case as aforesaid the Clerk of the Patents shall not part with the Care or Custody of the said Packet, or any of the said Documents, save as may be required by One of the Law Officers for the Purposes of any such Reference, and shall use such Precautions as may be necessary to prevent the Contents or Particulars of any such Documents being improperly disclosed.

Such Packet to be kept so sealed, or under the Seal of the Commissioners.

VI. Such sealed Packet shall be delivered at any Time during the Continuance of any such Letters Patent to the said Secretary of State, or to any Person having Authority to receive the same on his Behalf, on Demand in Writing under the Hand of the said Secretary of State, or to such Person as the Lord Chancellor may order, and shall, if and when the same is returned to the Commissioners, be again sealed up and kept under Seal as aforesaid.

Such sealed Packet to be delivered, on Demand, to Secretary of State, or by Order of Lord Chancellor.

VII. Such sealed Packet as aforesaid shall, at the End of the Term or extended Term for which any Letters Patent for the Invention to which the Documents in such Packet relate, be delivered up to the said Secretary of State or to any Person having Authority to receive the same on his Behalf.

At the Expiration of Letters Patent sealed Packet to be delivered to Secretary of State.

VIII. Where

Where Secretary of State certifies after filing of Petition, Documents already filed to be put into a sealed Packet.

VIII. Where the said Secretary of State certifies as aforesaid after the filing of the Petition, and before the Publication of the Provisional Specification (if any), such Petition, and the Declaration accompanying such Petition, and the Provisional Specification and Drawings relating to the Invention which may have been filed or left in any such Office as aforesaid, and all Copies thereof in any such Office, shall be forthwith placed in a Packet sealed with the Seal of the Commissioners; and every such Packet shall be subject to all the Provisions of this Act concerning any sealed Packet delivered to the Clerk of the Patents.

Copy of Specification, &c. not to be sent to Scotland or Ireland, or published, but otherwise Provisions of Patent Acts to apply.

IX. No Copy of any Specification, or other Document or Drawing by this Act required to be kept under Seal, shall be transmitted to *Scotland* or *Ireland*, or be printed, published, or sold, or be open to the Inspection of the Public; but, save as in this Act otherwise directed the Provisions of the Patent Law Amendment Act, 1852, and any Act amending the same, shall extend and be applicable to and in respect of every such Specification and other Document and Drawing as aforesaid, and the Letters Patent and Invention to which the same relates, and this Act and the Patent Law Amendment Act, 1852, shall be construed together as One Act.

No Scire facias to be brought.

X. It shall not be lawful for any Person to take Proceedings by Scire facias or otherwise to repeal any Letters Patent for any Invention in relation to which the said Secretary of State has certified as aforesaid.

Secretary of State may waive the Benefit of this Act as respects any Invention.

XI. The Secretary of State may, at any Time by Writing under his Hand, waive the Benefit of this Act with respect to any particular Invention, and the Documents and Matters relating thereto shall be thenceforth kept and dealt with in the ordinary Way.

Communication of Invention to Secretary of State, &c. not to prejudice Letters Patent.

XII. The Communication of any Invention for any Improvement in Instruments or Munitions of War to the said Secretary of State, or to any Person or Persons authorized by him to investigate the same or the Merits thereof, shall not, nor shall anything done for the Purposes of the Investigation, be deemed Use or Publication of such Invention so as to prejudice the Grant or Validity of any Letters Patent for the same.

Construction of "Secretary of State."

XIII. In the Construction of this Act, "Her Majesty's Principal Secretary of State for the War Department" shall mean Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department.

CAP. XIV.

An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in Ireland.—[19*th* April 1859.]

CAP. XV.

An Act to indemnify such Persons in the United Kingdom *as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.*—[19*th* April 1859.]

CAP. XVI.

An Act to enable the Judges to appoint Commissioners within Ten Miles of London *and in the* Isle of Man *and the* Channel Islands *to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer.*—[19*th* April 1859.]

CAP. XVII.

An Act to continue an Act of the Eleventh and Twelfth Years of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland.—[19*th* April 1859.]

CAP. XVIII.

An Act for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's *Charity, and the Free Grammar School in the Town of* Nottingham.—[19*th* April 1859.]

CAP. XIX.

An Act to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service near Whitehall *and Her Majesty's Palace at* Westminster.—[19*th* April 1859.]

CAP. XX.

An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals.—[19*th* April 1859.]

WHEREAS it is expedient that Facilities be afforded for taking Evidence in or in relation to Actions, Suits, and Proceedings pending before Tribunals in Her Majesty's Dominions in Places in such Dominions out of the Jurisdiction of such Tribunals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Order for Examination of Witnesses out of the Jurisdic-

I. Where upon an Application for this Purpose it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in Her Majesty's Dominions has duly authorized, by Commission, Order, or other Process, the obtaining the Testimony in or in relation

relation to any Action, Suit, or Proceeding pending in or before such Court or Tribunal of any Witness or Witnesses out of the Jurisdiction of such Court or Tribunal, and within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination before the Person or Persons appointed, and in Manner and Form directed by such Commission, Order, or other Process as aforesaid, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge by the same Order, or for such Court or Judge, or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just, and any such Order may be enforced, and any Disobedience thereof punished, in like Manner as in case of an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

tion in relation to any Suit pending before any Tribunal in Her Majesty's Possessions.

II. Every Person examined as a Witness under any such Commission, Order, or other Process as aforesaid, who shall upon such Examination wilfully and corruptly give any false Evidence, shall be deemed and taken to be guilty of Perjury.

Penalty on Persons giving false Evidence.

III. Provided always, That every Person whose Attendance shall be so ordered shall be entitled to the like Conduct Money, and Payment for Expenses and Loss of Time, as upon Attendance at a Trial.

Payment of Expenses.

IV. Provided also, That every Person examined under any such Commission, Order, or other Process as aforesaid, shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions which a Witness in any Cause pending in the Court by which, or by a Judge whereof, or before the Judge by whom the Order for Examination was made, would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

Power to Persons to refuse to answer Questions to criminate himself, or to produce Documents

V. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who, by any Order of Her Majesty in Council, may be appointed for

Certain Courts and Judges to have Authority under this Act.

for this Purpose, shall respectively be Courts and Judges having Authority under this Act.

Power to Judges to frame Rules, &c., for giving effect to Provisions of this Act.

VI. It shall be lawful for the Lord Chancellor of *Great Britain*, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, so far as relates to *England*, and for the Lord Chancellor of *Ireland*, with the Assistance of Two of the Judges of the Courts of Common Law at *Dublin*, so far as relates to *Ireland*, and for Two of the Judges of the Court of Session, so far as relates to *Scotland*, and for the Chief or only Judge of the Supreme Court in any of Her Majesty's Colonies or Possessions abroad, so far as relates to such Colony or Possession, to frame such Rules and Orders as shall be necessary or proper for giving effect to the Provisions of this Act, and regulating the Procedure under the same.

CAP. XXI.

An Act to amend the Medical Act (1858).—[19th *April* 1859.]

21 & 22 Vict. c. 90.

WHEREAS by an Act passed in the last Session of Parliament, Chapter Ninety, "The Medical Act," Provision is made for the Registration of Members of the Medical Profession, and certain Disabilities are imposed, after the First Day of *January* One thousand eight hundred and fifty-nine, on Members of that Profession who are not then registered: And whereas, by reason of the Time required for the Collection and Examination of the proper Evidence on the first Formation of "The Medical Register," it is expedient to amend the said Act as herein-after mentioned: And whereas it is expedient that Schedule D. of the aforesaid Act should be amended: And whereas in Sections Thirty-one and Forty-seven of the Medical Act (1858) the Terms "Fellow" and "Member" of the Royal Colleges of Physicians of *London* and *Edinburgh* are made use of, whilst in Schedule A. in the same Act "Fellows," "Licentiates," and "Extra Licentiates" of the said Colleges are alone entitled to be registered: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1st July 1859 to be

I. The First Day of *July* One thousand eight hundred and fifty-nine shall be substituted, in Sections Thirty-two, Thirty-four,

four, Thirty-six, and Thirty-seven respectively of the said Act, for the First Day of *January* One thousand eight hundred and fifty-nine; and the said several Sections, and all Provisions of the said Act having reference thereto, shall be construed and take effect as if the Word *July* had been originally inserted in each of the said Sections instead of the Word *January*.

substituted in ss. 32, 34, 36, and 37, of recited Act for 1st Jan. 1859.

II. Section Thirty-three of the said Act shall be repealed, and no Person shall by reason of the said Act be or be deemed to have been disqualified to hold such Office as mentioned in the said Section Thirty-three, or any Appointment mentioned in the said Section Thirty-six, unless he shall have failed to be registered on or before the First Day of *July* One thousand eight hundred and fifty-nine.

Section 33 of recited Act repealed.

III. The Fourth Column of Schedule D. of the said Act with its Heading shall be repealed and omitted.

Fourth Column of Schedule D. repealed.

IV. The Term "Member" shall be added after the Term "Fellow" to the Qualifications described in the First and Second Heads of Schedule A.

The Term "Member" to be added in First and Second Heads of Schedule A.

V. And whereas in Schedule A. of the said Act there is a Reference to Section "Forty-five," but the Word "five" is there inserted by Mistake: Now it is hereby enacted, That the Words "Forty-six" shall be deemed to be substituted in this Schedule in the Place of the Words "Forty-five."

The Words "Forty-six" to be substituted for "Forty-five" in Schedule A.

VI. Nothing in the said Act contained shall prevent any Person not a *British* Subject who shall have obtained from any Foreign University a Degree or Diploma of Doctor in Medicine, and who shall have passed the regular Examinations entitling him to practise Medicine in his own Country, from being and acting as the Resident Physician or Medical Officer of any Hospital established exclusively for the Relief of Foreigners in Sickness: Provided always, that such Person is engaged in no Medical Practice except as such Resident Physician or Medical Officer.

Any Person not a British Subject having obtained his Degree or Diploma may act as Resident Physician, &c. of any Hospital exclusively for Foreigners.

CAP. XXII.

An Act for raising the Sum of Thirteen million two hundred and seventy-seven thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-nine.—[19*th* April 1859.]

CAP. XXIII.

An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.—[19*th* April 1859.]

CAP. XXIV.

An Act to render valid certain Marriages in the Church of Saint James Baldersby *in the County of* York.—[19*th* April 1859.]

CAP. XXV.

An Act for the Government of the Convict Prisons in Her Majesty's Dominions Abroad.—[19*th* April 1859.]

CAP. XXVI.

An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.—[19*th* April 1859.]

WHEREAS an Act was passed in the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, "to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:" And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Thirty-seven, Section Twenty-seven of the first-recited Act, by which an Abatement was directed to be made from the Salaries of Civil Servants

4 & 5 W. 4. c. 24.

20 & 21 Vict. c. 37.

Servants entitled to Superannuation Allowance, was repealed: And whereas it is desirable further to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sections 10, 11, 13, 14, 15, 17, 19, and 24 of 4 & 5 W. 4. c. 24. repealed.

I. Sections Ten, Eleven, Thirteen, Fourteen, Fifteen, Seventeen, Nineteen, and Twenty-four of the said Act of the Fourth and Fifth Years of King *William* the Fourth are hereby repealed, but such Repeal shall not affect any Pension, Compensation, or Superannuation Allowance granted or Act done before the passing of this Act.

Ordinary Rate of Superannuation Allowance.

II. Subject to the Exceptions and Provisions herein-after contained, the Superannuation Allowance to be granted after the Commencement of this Act to Persons who shall have served in an established Capacity in the permanent Civil Service of the State, whether their Remuneration be computed by Day Pay, weekly Wages, or annual Salary, and for whom Provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the Authority of Parliament, shall be as follows; (that is to say),

To any Person who shall have served Ten Years and upwards, and under Eleven Years, an annual Allowance of Ten Sixtieths of the annual Salary and Emoluments of his Office:

For Eleven Years, and under Twelve Years, an annual Allowance of Eleven Sixtieths of such Salary and Emoluments:

And in like Manner a further Addition to the annual Allowance of One Sixtieth in respect of each additional Year of such Service, until the Completion of a Period of Service of Forty Years, when the annual Allowance of Forty Sixtieths may be granted; and no Addition shall be made in respect of any Service beyond Forty Years:

Provided always, that if any Question should arise in any Department of the Public Service as to the Claim of any Person or Class of Persons for Superannuation under this Clause, it shall be referred to the Commissioners of the Treasury, whose decision shall be final.

This Act to apply to Persons already in the Civil Service, but without Preju-

III. Nothing herein contained shall interfere with the Grant, to the Officers and Clerks who entered the Public Service prior to the Fifth Day of *August* One thousand eight hundred and twenty-nine, of such Superannuation Allowances as might hereafter have been granted to them under Section Nine of the said Act of the Fourth and Fifth Years of King *William* the

dice to existing Rights.

the Fourth, or shall prevent, restrict, or diminish any other Superannuation Allowance, Pension, Gratuity, or Compensation which, if this Act had not been passed, might hereafter have been granted to any Person who shall have entered the Public Service before the passing of this Act, but, except as aforesaid, the Provisions herein-after contained shall apply as well to Persons who have already entered the Public Service, whether before or after the said Fifth Day of *August* One thousand eight hundred and twenty-nine, as to those who may hereafter enter the Public Service.

Provision for computing Amount of Superannuation to Persons holding professional and other special Offices.

IV. It shall be lawful for the Commissioners of the Treasury from Time to Time, by any Order or Warrant, to declare that for the due and efficient Discharge of the Duties of any Office or Class of Offices to be specified in such Order or Warrant, professional or other peculiar Qualifications, not ordinarily to be acquired in the Public Service, are required, and that it is for the Interest of the Public that Persons should be appointed thereto at an Age exceeding that at which Public Service ordinarily begins; and by the same or any other Order or Warrant to direct that when any Person now holding or who may hereafter be appointed to such Office or any of such Class of Offices shall retire from the Public Service, a Number of Years not exceeding Twenty, to be specified in the said Order or Warrant, shall, in computing the Amount of Superannuation Allowance which may be granted to him under the foregoing Section of this Act, be added to the Number of Years during which he may have actually served, and also to direct that in respect of such Office or Class of Offices the Period of Service required to entitle the Holders to Superannuation may be a period less than Ten Years, to be specified in the Order or Warrant; and also to direct that, in respect of such Office or Class of Offices, the Holder may be entitled to Superannuation, though he may not hold his Appointment directly from the Crown, and may not have entered the Service with a Certificate from the Civil Service Commissioners: Provided always, that every Order or Warrant made under this Enactment shall be laid before Parliament.

Allowances in Cases of bodily Injury.

V. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted, but not having completed the Period which would have entitled him to a Superannuation Allowance, is compelled to quit the Public Service by reason of severe bodily Injury, occasioned, without his own Default, in the Discharge of his public Duty, a Gratuity not exceeding Three Months Pay for every Two Years of Service, or a Superannuation Allowance not exceeding Ten

Ten Sixtieths of the annual Salary and Emoluments of his Office.

Power to Treasury to grant Gratuities in case of short Service.

VI. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted, is constrained, from Infirmity of Mind or Body, to leave the Public Service before the Completion of the Period which would entitle him to a Superannuation Allowance, such Sum of Money by way of Gratuity as the said Commissioners may think proper, but so as that no such Gratuity shall exceed the Amount of One Month's Pay for each Year of Service.

Power to Treasury to grant Allowances on Abolition of Offices.

VII. It shall be lawful for the Commissioners of the Treasury to grant to any Person retiring or removed from the Public Service in consequence of the Abolition of his Office, or for the Purpose of facilitating Improvements in the Organisation of the Department to which he belongs, by which greater Efficiency and Economy can be effected, such special annual Allowance by way of Compensation as on a full Consideration of the Circumstances of the Case may seem to the said Commissioners to be a reasonable and just Compensation for the Loss of Office; and if the Compensation shall exceed the Amount to which such Person would have been entitled under the Scale of Superannuation provided by this Act if Ten Years were added to the Number of Years which he may have actually served, such Allowance shall be granted by special Minute, stating the special Grounds for granting such Allowance, which Minute shall be laid before Parliament, and no such Allowance shall exceed Two Thirds of the Salary and Emoluments of the Office.

Condition of Grant of full Superannuations to public Servants not Heads of Departments.

VIII. It shall not be lawful for the Commissioners of the Treasury to grant the full Amount of Superannuation Allowance which can be granted under this Act to any Person not being the Head Officer or One of the Head Officers of a Department, unless upon Production of a Certificate (signed by the Head Officer of the Department, or by Two Head Officers, if there be more than One) that he has served with Diligence and Fidelity to the Satisfaction of such Head Officer or Officers; and in every Case in which any Superannuation Allowance is granted, after the Refusal of such Certificate, the Minute granting it shall state such Refusal and the Grounds on which the Allowance is granted.

Power to Treasury to grant Allowances for special Services,

IX. Provided, That it shall be lawful for the Commissioners of the Treasury to grant to any Person any Superannuation, Compensation, Gratuity, or other Allowance of greater Amount than the Amount which might be awarded to him under the foregoing Provisions, when special Services rendered by such Person,

son, and requiring special Reward, shall appear to them to justify such Increase, but so that such Allowance shall in no Case exceed the Salary and Emoluments enjoyed by the Grantee at the Time of Retirement, and the Grounds of every such Increase shall be stated in a Minute of the Treasury, which shall be laid before Parliament; and it shall be lawful for the said Commissioners to grant to any Person any such Allowance of less Amount than otherwise would have been awarded to him where his Defaults or Demerit in relation to the Public Service appear to them to justify such Diminution.

and for Demerits in individual Cases.

X. It shall not be lawful to grant any Superannuation Allowance under the Provisions of this Act to any Person who shall be under Sixty Years, unless upon Medical Certificate to the Satisfaction of the Commissioners of the Treasury that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation, and that such Infirmity is likely to be permanent.

Evidence of Infirmity of Persons under Sixty.

XI. Every Person to whom a Superannuation or Compensation Allowance shall have been granted before he shall have attained the Age of Sixty Years shall, until he has attained that Age, be liable to be called upon to fill, in any Part of Her Majesty's Dominions in which he shall before have served, any Public Office or Situation under the Crown for which his previous public Services may render him eligible; and if he shall decline, when called upon to do so, to take upon him such Office or Situation, or shall decline or neglect to execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to the Compensation or Superannuation Allowance which had been granted to him.

Persons superannuated under Sixty may be required to serve again.

XII. And whereas it will be for the Advantage of the Public Service that Officers holding Employments entitling them to Superannuation Allowances under this or other Acts shall be eligible for other Public Employments at home and abroad, without forfeiting their Claims to such Allowances:

Persons to retain Right to Superannuation on Transfer to other Employment under the Crown.

Every Officer already or hereafter to be transferred from Employment entitling him to Superannuation Allowance to Public Employment under the Crown not so entitling him shall be entitled, on his ultimate Retirement from the Public Service, to the same Allowance as if he had continued to hold the vacated Appointment and at the same Rate of Salary as when the same was vacated, subject nevertheless to the Conditions which would in that Case have been applicable with respect to the Grant of such Allowance; provided that it shall be lawful for the Commissioners of the Treasury, in the Case of Officers transferred to Governorships and Lieutenant-Governorships of Colonies, and other High Offices abroad, conferred for a limited Period

Period, to grant such Superannuation Allowance to such Officers on the Expiration of such Term of Service without a Renewal of Public Employment; but any Officer to whom such Grant is made while under the Age of Sixty Years shall be subject to the same Liability to be called upon to fill Office under the Crown, as herein provided concerning other Persons under that Age to whom like Allowances are granted.

Orders, &c., within what Time to be laid before Parliament.

XIII. All Orders, Warrants, and Minutes by this Act directed to be laid before Parliament shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within Fourteen Days after the next Meeting thereof.

Section 6. of 57 G. 3. c. 65. only to apply to Officers having had Seats in Parliament.

XIV. No Pension shall be granted under the Provisions of Section Six of the Act of the Fifty-seventh Year of King *George* the Third, Chapter Sixty-five, to any Person who shall not have had a Seat in One of the Houses of Parliament during the Period or One Half of the Period for which he has held Office, as in the said Section is mentioned.

Acts in Schedule to be construed as referring to this Act.

XV. The several Sections mentioned in the Schedule hereto of the several Acts of Parliament, also therein mentioned, shall be construed as if this Act, instead of the said Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, had been referred to in the said Sections; and such other Enactments as refer to the Scale of Superannuation Allowance established by the Provisions hereby repealed of the said Act of King *William* the Fourth, shall be construed as if the Scale established by this Act had been referred to.

Allowances to be paid free from Taxes.

XVI. All Superannuations, Compensations, Gratuities, and other Allowances granted or hereafter under this Act to be granted shall be paid to the Persons entitled to receive the same without any Abatement or Deduction in respect of any Taxes or Duties whatever at present existing, except the Tax upon Property or Income.

Who to be deemed Civil Servants.

XVII. For the Purposes of this Act, no Person hereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such Person holds his Appointment directly from the Crown, or has been admitted into the Civil Service with a Certificate from the Civil Service Commissioners; nor shall any Person, already appointed to any Office, be held to have served in the permanent Civil Service as aforesaid, unless such Person belong to a Class which is already entitled to Superannuation Allowance, or to a Class in which, if he had been appointed thereto subsequently to the passing of this Act, he would, as holding his Appointment directly from the Crown, or as having been admitted into the Civil

Civil Service with such Certificate as aforesaid, have become entitled to such Allowance; and no Person shall be entitled to any Superannuation Allowance under this Act, unless his Salary or Remuneration has been provided out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of Moneys voted by Parliament.

4 & 5 W. 4. c. 24. and this Act to be construed together.

XVIII. So much of the said Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, as is now in force and not hereby repealed, and this Act, shall be construed together as One Act.

Short Title.

XIX. It shall be sufficient, in citing this Act, to use the Expression "The Superannuation Act, 1859."

SCHEDULE A.

5 & 6 W. 4. c. 42. s. 1.
7 W. 4. & 1 Vict. c. 30. s. 21.
8 & 9 Vict. c. 100. ss. 5. 10.
13 & 14 Vict. c. 89. s. 39.
15 & 16 Vict. c. 73. s. 15.
15 & 16 Vict. c. 87. s. 46.
17 & 18 Vict. c. 78. s. 22.
19 & 20 Vict. c. 110. s. 9.

CAP. XXVII.

An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Play-grounds for Children.—[19*th* April 1859.] (England and Ireland.)

CAP. XXVIII.

An Act to continue the Act for the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.—[19*th* April 1859.]

CAP. XXIX.

An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds. —[19*th* April 1859.] (England.)

CAP. XXX.

An Act to amend the "Confirmation and Probate Act, 1858."—[19*th* April 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons, &c. making Payments upon Confirmations and Probates under Act, 1858, to be indemnified.

I. All Persons and Corporations who, in reliance upon any Instrument purporting to be a Confirmation granted under the "Confirmation and Probate Act, 1858," and all Persons and Corporations who, in reliance upon any such Instrument which may be sealed under the Authority of the said Act with the Seal of the Principal Court of Probate in *England* or of the Court of Probate in *Dublin*, and all Persons or Corporations who, in reliance upon any Instrument purporting to be a Probate or Letters of Administration granted by the Court of Probate in *England* or Court of Probate in *Dublin*, and having endorsed or written thereon a Certificate by the Commissary Clerk of *Edinburgh*, in the Form in the said Confirmation and Probate Act prescribed, shall have made or permitted to be made, or shall make or permit to be made, any Payment or Transfer *bonâ fide* upon any such Confirmation, Probate, or Letters of Administration, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Confirmation, Probate, or Letters of Administration.

Short Title.

II. This Act may be cited as the "Confirmation and Probate Amendment Act, 1859."

CAP. XXXI.

CAP. XXXI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858.)—[19*th* April 1859.] (England.)

CAP. XXXII.

An Act to amend the Law concerning the Remission of Penalties.—[19*th* April 1859.]

WHEREAS Penalties which under Penal Statutes are made payable to Parties other than the Crown cannot be remitted or pardoned by the Crown where no express Provision has been made by the Statute for that Purpose, and it is expedient that the Law as to the Remission of such Penalties should be amended and made uniform: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Penalties for Offences may be remitted by the Crown although payable to Parties other than the Crown.

I. It shall be lawful for Her Majesty (or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*) to remit in whole or in part any Sum of Money which under any Act now in force or hereafter to be passed may be imposed as a Penalty or Forfeiture on a convicted Offender, although such Money may be in whole or in part payable to some Party other than the Crown, and to extend the Royal Mercy to any Person who may be imprisoned for Nonpayment of any Sum of Money so imposed, although the same may be in whole or part payable to some Party other than the Crown.

CAP. XXXIII.

An Act to enable Coroners in England *to admit to Bail Persons charged with Manslaughter.*—[19*th* April 1859.]

CAP. XXXIV.

CAP. XXXIV.

An Act to amend and explain an Act of the Sixth Year of the Reign of King George *the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.*—[19*th* April 1859.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof:* And whereas different Decisions have been given on the Construction of the said Act: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 6 G. 4. c. 129.

I. That no Workman or other Person, whether actually in Employment or not, shall, by reason merely of his entering into an Agreement with any Workman or Workmen, or other Person or Persons, for the Purpose of fixing or endeavouring to fix the Rate of Wages or Remuneration at which they or any of them shall work, or by reason merely of his endeavouring peaceably, and in a reasonable Manner, and without Threat or Intimidation, direct or indirect, to persuade others to cease or abstain from Work in order to obtain the Rate of Wages or the altered Hours of Labour so fixed or agreed upon or to be agreed upon, shall be deemed or taken to be guilty of "Molestation" or "Obstruction," within the Meaning of the said Act, and shall not therefore be subject or liable to any Prosecution or Indictment for Conspiracy: Provided always, that nothing herein contained shall authorize any Workman to break or depart from any Contract or authorize any Attempt to induce any Workman to break or depart from any Contract. Agreements in certain Cases not to be deemed "Molestation" or "Obstruction," within the Meaning of the recited Act.

CAP. XXXV.

An Act to amend the Law relating to Municipal Elections.—[19*th* April 1859.] (England and Wales.)

LOCAL

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the THIRD Session of the SEVENTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

22° VICT.

i. AN Act for more effectually supplying with Water the Town of *Shepton Mallet* and the Neighbourhood thereof in the County of *Somerset*.

ii. An Act to enable the *Swansea Vale* Railway Company to raise further Money; and for other Purposes.

iii. An Act for providing a Joint Station at *Epsom* for the Use of the *Wimbledon and Dorking* and *Epsom and Leatherhead* Railway Companies, and for other Purposes.

iv. An Act for enlarging, improving, and maintaining the Harbour of the Burgh of *Kirkwall* in the County of *Orkney*, and for other Purposes.

v. An Act to alter, amend, and enlarge the Powers and Provisions of "The *Weymouth and Melcombe Regis* Markets and Pier Act, 1854."

vi. An Act to enable the *Sunderland and South Shields* Water Company to extend their Works, and obtain a further Supply of Water, and to raise additional Capital; and for other Purposes.

vii. An Act to repeal the existing Acts relating to the Bridge over the River *Foyle* at *Londonderry*, to authorize the Removal of the existing Bridge, and the Construction of a new Bridge, with Approaches thereto, and other Works; and for other Purposes.

viii. An Act for making a Railway from the *Inverness and Aberdeen Junction* Railway at or near *Kinloss* to *Findhorn*.

ix. An Act to authorize the Commissioners of the *Glasgow* Corporation Waterworks to raise a further Sum of Money; and to amend "The *Glasgow* Corporation Waterworks Act, 1855."

x. An Act for reviving the Powers and extending the Time for the Completion of the Railway and Works authorized by "The *Tralee and Killarney* Railway Act, 1853."

xi. An

xi. An Act to grant further Powers to "The *Banff, Macduff, and Turriff Junction* Railway Company," and to change the Name of the Company.

xii. An Act to enable the *Formartine and Buchan* Railway Company to divert their Railway near *Ellon*, and to abandon the Branch to *Ellon*.

xiii. An Act for authorizing a Lease of the *Great Western and Brentford* Railway, and the Docks and Works connected therewith, to the *Great Western* Railway Company; and for other Purposes.

xiv. An Act for transferring the Government of the new Limits of the Harbour of *Whitehaven* in the County of *Cumberland* to the Harbour Trustees; for making better Provision for the Election of Trustees; and for the Alteration of certain Rates and Duties payable in respect of the said Harbour and in the Town of *Whitehaven*.

xv. An Act for regulating the Capital and Borrowing Powers of the City of *Norwich* Waterworks Company, and for making better Provision against the Waste of Water supplied by them; and for other Purposes.

xvi. An Act for making Docks and other Works in *Falmouth* Harbour in the County of *Cornwall*, and for other Purposes.

xvii. An Act to enable the Magistrates and Council of the City of *Glasgow* to lay out, maintain, and improve the *Kelvingrove* and *Queen's* Parks and the Galleries of Art and Corporation Halls in the said City; and for other Purposes.

xviii. An Act for better supplying with Water the Inhabitants of the Towns of *Kingstown, Monkstown, Dalkey, Bullock, Glasthule*, and the Neighbourhood thereof, in the County of *Dublin*.

xix. An Act to authorize the Abandonment of the *Foss* Navigation from a Point about Two hundred Yards above the *York* Union Workhouse near the City of *York;* to alter, repeal, and amend the Acts relating to the said Navigation; and for other Purposes.

xx. An Act to authorize the *Mersey* Docks and Harbour Board to raise a further Sum of Money for Works at *Liverpool*.

xxi. An Act for better supplying with Water the Town of *Poole* and Places adjacent thereto, and for other Purposes.

xxii. An Act to dissolve the Accidental Death Insurance Company, and to transfer the Business of that Company to the Travellers and Marine Insurance Company, to be hereafter called "The Accidental Death Insurance Company;" and for other Purposes.

xxiii. An Act for making a Railway from the *Cork and Bandon* Railway to the Town of *Kinsale* in the County of *Cork*, with

with a Branch Railway or Tramway to *Kinsale* Harbour; and for other Purposes.

xxiv. An Act for building and maintaining a Pier in the Harbour of *Fishguard* in the County of *Pembroke*, and making and constructing a Road and Quay in extension of the present Quay in the Town of *Fishguard*, and deepening and otherwise improving the said Harbour.

xxv. An Act for changing the Name of "The People's Provident Assurance Society" to the Name "The *European* Assurance Society;" and for authorizing the taking of the Guarantee of the Society instead of other Security required from Persons in Public Offices and Employments; and for other Purposes.

xxvi. An Act to enable the *Scarborough* Gas Company to raise a further Sum of Money; and for other Purposes.

xxvii. An Act for making further Provisions with respect to the *Standard* Life Assurance Company.

xxviii. An Act to enable the *East Suffolk* Railway Company to extend their Railway to *Aldborough* in the County of *Suffolk;* and for other Purposes.

xxix. An Act to extend the Time for the Completion of certain Works of the *Victoria London* Dock Company, and for other Purposes.

xxx. An Act to grant further Powers to the *Commercial* Dock Company.

xxxi. An Act to enable the *Ballymena, Ballymoney, Coleraine, and Portrush Junction* Railway Company to make a Junction Railway at *Coleraine*.

xxxii. An Act for making further Provision for the better Supply of Water to the Borough of *King's Lynn* and adjacent Districts; for regulating the Markets and Fairs of the Borough; for the Improvement and Regulation of the Borough; and for other Purposes.

xxxiii. An Act for constructing Market Houses and other Buildings, and making Market Places, and for better regulating and maintaining the Markets and Fairs, in or near the Town of *Tavistock;* and for opening a new Street and otherwise improving the said Town; and for other Purposes.

xxxiv. An Act to grant further Powers to the *Leominster and Kington* Railway Company.

xxxv. An Act to facilitate the Communication between the *Great Northern* Railway and the *North London* Railway; to improve the Station of the *Great Northern* Railway at *King's Cross;* and to enable the *Great Northern* Railway Company to make Arrangements with regard to certain Parts of their Capital and that of the *East Lincolnshire* Railway Company.

PRIVATE

PRIVATE ACT,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPY MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize *Charles Frederick Clifton* Esquire and the Lady *Edith Maud* his Wife, and their Issue, to assume and bear the Surnames of "*Abney Hastings*" in lieu of the Surname of *Clifton*, and to bear the Arms of "*Abney*" and "*Hastings*" in compliance with the Condition contained in a Settlement made by Sir *Charles Abney Hastings* Baronet, deceased, of certain Estates in the Counties of *Derby* and *Leicester*.

PRIVATE ACT,

NOT PRINTED.

2. An Act to enable *Thomas Augustus Purdy* Clerk to exercise his Office of Priest and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.

INDEX

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Affirmation, to settle the Form of, to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath 3

Civil Service Superannuation; to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service 20
Combination of Workmen, to amend and explain the Act 6 Geo. IV. c. 129, "to repeal the Laws relating to, and to make other Provision in lieu thereof" 29
Commission, Evidence by; to provide for taking Evidence in Suits and Proceedings pending before tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals 16
Common Rights, &c.; to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State 7
Confirmation and Probate; to amend the "Confirmation and Probate Act, 1858," (21 & 22 Vict. c. 56) 27

Evidence by Commission; to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals 16

Inventions, Patents for, to amend the Law concerning, with respect to Inventions for Improvements in Instruments and Munitions of War . . . 11

Lands; to make Provision in relation to Lands vested in or taken by Her Majesty's Principal Secretary of State for the War Department . . . 7

Medical Act, 1858; to amend the "Medical Act, 1858" (21 & 22 Vict. c. 90) 18
Munitions of War; to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War 11

Oaths; to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath 3

Patents for Inventions, to amend the Law concerning, with respect to Inventions for Improvements in Instruments and Munitions of War . . . 11
Penalties, Remission of; to amend the Law concerning . . . 28

Page

Probates and Administration; to amend the "Confirmation and Probate Act, 1858" (21 & 22 Vict. c. 56) 27

Quakers, &c.; to settle the Form of Affirmation to be taken in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath 3

Registration; to amend the Medical Act, 1858 (21 & 22 Vict. c. 90) . 13

Remission of Penalties, to amend the Law concerning 28

Rights of Common, &c.; to make further Provision for the Purchase of, by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State . . 7

Secretary of State for War. *See* Common Rights, &c. Munitions of War.

Suits, &c., Evidence in. *See* Evidence by Commission.

Superannuation; to amend the Laws concerning Superannuation and other Allowances to Persons having held Civil Offices in the Public Service 20

War Department; to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State 7

War, Munitions of; to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War 7

Workmen, Combination of; to amend and explain the Act 6 Geo. IV. c. 129, "to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof" 29

INDEX

TO

THE PUBLIC GENERAL STATUTES.

22° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. „ „ „ „ „ Great Britain.
E. „ „ „ „ „ England.
S. „ „ „ „ „ Scotland.
I. „ „ „ „ „ Ireland.
W. „ „ „ „ „ Wales.

Abolition of Manor Courts; for the Abolition of Manor Courts and the better Recovery of Small Debts in Ireland . . . . Cap. 14. I.

Affidavits by Commission, &c.; to enable the Judges to appoint Commissioners within Ten Miles of London and in the Isle of Man and the Channel Islands to administer Oaths in Common Law, and to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer . . . . . Cap. 16. E.

Affirmation, to settle the Form of, to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath . . . . . Cap. 10. G. B. & I.

Anniversary Days Observance; to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of January and other Days [Twenty-ninth of May, Fifth of November, and Twenty-third of October] Cap. 2. G. B. & I.

Annuities and Premiums. *See* Naval Medical Supplemental Fund Society.

Application of Aids. *See* Consolidated Fund.

Appointment of High Bailiffs. *See* County Courts.

Appropriation of Supplies; to apply a Sum out of the Consolidated Fund to the Services of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament . . . . . Cap. 23. U. K.

Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 4. U. K.

Bail for Manslaughter; to admit to Bail Persons charged with the Offence of Manslaughter . . . . . Cap. 33. E.

Bail in Error; to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer . Cap. 16. E.

Baldersby, Saint James, to render valid certain Marriages in the Church of Cap. 24. E.

Banks for Savings, to continue the Act 11 & 12 Vict. c. 133, for amending the Laws relating to . . . . . Cap. 17. I.

Broadley, Miss Sophia; to effect an Exchange of Ecclesiastical Patronage between Her Majesty and Miss Sophia Broadley . . . . Cap. 9. E.
Burial Places, more effectually to prevent Danger to the Public Health from Cap. 1. E.
Channel Islands. *See* Affidavits by Commission.
Charity Commissioners. *See* Nottingham Charities.
Children. *See* Playgrounds.
Civil Service Superannuation; to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service Cap. 26. G. B. & I.
Combination of Workmen, to amend and explain the Act 6 Geo. 4. c. 129, "to repeal the Laws relating to, and to make other Provision in lieu thereof" Cap. 34. U. K.
Commission, Affidavits by; to enable the Judges to appoint Commissioners within Ten Miles of London, and in the Isle of Man and the Channel Islands, to administer Oaths in Common Law, &c. . . . . Cap. 16. E.
————, Evidence by; to provide for taking Evidence in Suits and Proceedings pending before Tribunals in her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals . . . . . Cap. 20. U. K.
Commissioners of Public Works. *See* Public Offices Extension.
Common Funds of Unions, to continue the Act 20 Vict. c. 18, for charging the Maintenance of certain Paupers upon the . . . Cap. 29. E.
———— Rights, &c.; to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State Cap. 12. G. B. & I.
Commons Inclosure. *See* Inclosure of Lands.
Confirmation and Probate; to amend the "Confirmation and Probate Act, 1858" (21 & 22 Vict. c. 56) . . . . . Cap. 30. G. B. & I.
Confirmation of Provisional Orders; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98) . . Cap. 31 E.
Consolidated Fund; to apply the Sum of £1,222,383, 8s. 9d. out of the Consolidated Fund to the Service of the Year ending the 31st March 1859 Cap. 6. U. K.
———— to apply the Sum of £11,000,000 out of the Consolidated Fund to the Service of the Year 1859 . . . . . Cap. 7. U. K.
———— to apply a Sum out of the Consolidated Fund to the Service of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament Cap. 23. U. K.
Convict Prisons abroad; for the Government of the Convict Prisons in Her Majesty's Dominions abroad . . . . . Cap. 25. U. K.
Coroners; to enable Coroners to admit to Bail Persons charged with Manslaughter Cap. 33. E.
County Courts; to repeal the Thirty-second Section of the Act 9 and 10 Vict. c. 95, "for the more easy Recovery of Small Debts and Demands in England, and to make further Provision in lieu thereof" [Appointment of High Bailiffs of Westminster and Southwark] . . . . . Cap. 8. E.

Desertion; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 4. U. K.
———— for the Regulation of Her Majesty's Royal Marine Forces while on shore Cap. 5. U. K.

East India Loan; to enable the Secretary of State in Council of India to raise Money [£7,000,000] in the United Kingdom for the Service of the Government of India . . . . . Cap. 11. U. K.
Ecclesiastical Patronage. *See* Ecton and Welton Exchange.
Ecton and Welton Exchange; to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss Sophia Broadley . Cap. 9. E.
Elections, Municipal, to Amend the Law relating to . . Cap. 35. E.
Employments, Qualifications for. *See* Indemnity.

Error. *See* Bail in Error.
Evidence by Commission; to provide for taking Evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals . . . . . Cap. 20. U. K.
Exchange of Patronage. *See* Ecton and Welton Exchange.
Exchequer, Bail in; to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer . . . Cap. 16. E.
———— Bills; raising the Sum of £13,277,400 by Exchequer Bills, for the Service of the Year 1859 . . . . . Cap. 22. U. K.
————. *See also* Supplies.

Form of Affirmation. *See* Oaths.
Forms of Prayer, Discontinuance of; to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of January and other Days [Twenty-ninth of May, Fifth of November, and Twenty-third of October] Cap. 2. G. B. & I.
Free Grammar School, Nottingham, amending and continuing a Scheme of the Charity Commissioners for . . . . . Cap. 18. E.

Government of India. *See* East India Loan.
Grants of Land, to facilitate, near populous Places, for the Use of regulated Recreation of Adults, and as Playgrounds for Children . . Cap. 27. E. & I.

High Bailiffs of Westminster and Southwark; to repeal the Thirty-second Section of the Act 9 & 10 Vict. c. 95, "for the more easy Recovery of Small Debts and Demands in England, and to make further Provision in lieu thereof" Cap. 8. E.

Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales Cap. 3. E.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively . . . Cap. 15. G. B. & I.
India; to enable the Secretary of State in Council of India to raise money [£7,000,000] in the United Kingdom for the Service of the Government of India . . . . . Cap. 11. U. K.
Inventions, Patents for, to amend the Law concerning, with respect to Inventions for Improvements in Instruments and Munitions of War . Cap. 13. U. K.
Isle of Man. *See* Affidavits by Commission.

Land, Grants of. *See* Recreation Grounds.
Lands; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales . . Cap. 3. E.
———— to make Provision in relation to Lands vested in or taken by Her Majesty's Principal Secretary of State for the War Department . Cap. 12. G. B. & I.
Local Government; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98) . . . . Cap. 31. E.

Maintenance of Paupers. *See* Union Funds.
Manor Courts, for the Abolition of, and the better Recovery of Small Debts Cap. 14. I.
Manslaughter, to enable Coroners to admit to Bail Persons charged with Cap. 33. E.
Marines; for the Regulation of Her Majesty's Royal Marine Forces while on Shore Cap. 5. U. K.
Marriages Validity; to render valid certain Marriages in the Church of Saint James Baldersby in the County of York . . . . Cap. 24. E.
Medical Act, 1858; to amend the "Medical Act, 1858" (21 & 22 Vict. c. 90) Cap. 21. G. B. & I.
Medical (Naval) Supplemental Fund Society, to continue the Act 11 & 12 Vict. c. 58. for the Regulation of the Annuities and Premiums of the Cap. 28. U. K.
Municipal Elections, to amend the Law relating to . . Cap. 35. E.
Munitions of War; to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War Cap. 13. U. K.

Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 4. U. K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore Cap. 5. U. K.

Naval Medical Supplemental Fund Society, to continue the Act 11 & 12 Vict c. 58, for the Regulation of the Annuities and Premiums of the Cap. 28. U. K.
Nottingham Charities; for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's Charity and the Free Grammar School in the Town of Nottingham . . . . . Cap. 18. E.

Oaths; to enable the Judges to appoint Commissioners within Ten Miles of London, and in the Isle of Man and the Channel Islands, to administer Oaths in Common Law, &c. . . . . Cap. 16. E.
——— to settle the Form of Affirmation to be made in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath . . . . . Cap. 10. G. B. & I.
Observance of Anniversary Days. *See* Forms of Prayer.
Officers in the Civil Service. *See* Superannuation.
Offices for the Public Service; to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service near Whitehall and Her Majesty's Palace at Westminster Cap. 19. E.
Offices and Employments, Qualifications for. *See* Indemnity.

Patents for Inventions, to amend the Law concerning, with respect to Inventions for Improvements in Instruments and Munitions of War . Cap. 13. U. K.
Patronage Ecclesiastical, to effect an Exchange of, between Her Majesty the Queen and Miss Sophia Broadley . . . . Cap. 9. E.
Pauper Maintenance; to continue the Act 20 Vict. c. 18, for charging the Maintenance of certain Paupers upon the Union Funds . . Cap. 29. E.
Penalties, Remission of; to amend the Law concerning . Cap. 32. G. B. & I.
Places of Burial, more effectually to prevent Danger to the Public Health from Cap. 1. E.
Playgrounds; to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Playgrounds for Children Cap. 27. E. & I.
Poor; to continue the Act 20 Vict. c. 18, for charging the Maintenance of certain Paupers upon the Union Funds . . . . Cap. 29. E.
Premiums. *See* Naval Medical Supplemental Fund Society.
Prisons abroad; for the Government of the Convict Prisons in Her Majesty's Dominions abroad . . . . . Cap. 25. U. K.
Probates and Administration; to amend the "Confirmation and Probate Act, 1858" (21 & 22 Vict. c. 56) . . . . . Cap. 30. G. B. & I.
Provisional Orders; to confirm certain Provisional Orders under the "Local Government Act, 1858" (21 & 22 Vict. c. 98) . . . Cap. 31. E.
Public Health. *See* Burial Places.
Public Offices Extension; to make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service near Whitehall and Her Majesty's Palace at Westminster Cap. 19. E.
Public Service. *See* Superannuation.

Quakers, &c.; to settle the Form of Affirmation to be taken in certain Cases by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath . . . . . Cap. 10. G. B. & I.
Qualifications for Offices, &c.; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively Cap. 15. G. B. & I.

Queen, the; to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss Sophia Broadley . . . . Cap. 9. E.

Recognizances; to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer . Cap. 16. E.
——————— to admit to Bail Persons charged with the Offence of Manslaughter Cap. 33. E.
Recreation Grounds; to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Playgrounds for Children Cap. 27. E. & I.
Registration; to amend the Medical Act, 1858 (21 & 22 Vict. c. 90) Cap. 21. G. B. & I.
Remission of Penalties, to amend the Law concerning . Cap. 32. G. B. & I.
Revenue Side of the Exchequer; to authorize the taking in the Country of Bail in Error, and Recognizances and Bail on the Revenue Side of the Exchequer Cap. 16. E.
Rights of Common, &c., to make further Provision for the Purchase of, by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State Cap. 12. G. B. & I.
Royal Marines; for the regulation of Her Majesty's Royal Marine Forces while on shore . . . . . Cap. 5. U. K.

Saint James Baldersby (York), to render valid certain Marriages in the Church of Cap. 24. E.
Savings Banks, to continue the Act 11 & 12 Vict. c. 133, for amending the Laws relating to . . . . . Cap. 17. I.
Scheme of the Charity Commissioners. *See* Nottingham Charities.
Secretary of State for War. *See* Common Rights, &c. Munitions of War.
Site for Public Offices. *See* Public Offices Extension.
Small Debts; for the Abolition of Manor Courts and the better Recovery of Small Debts . . . . . Cap. 14. I.
Southwark, Appointment of High Bailiff of; to repeal the Thirty-second Section of the Act 9 & 10 Vict. c. 95, "for the more easy Recovery of Small Debts and Demands in England, and to make further Provision in lieu thereof" Cap. 8. E.
Suits, &c., Evidence in. *See* Evidence by Commission.
Superannuation; to amend the Laws concerning Superannuation and other Allowances to Persons having held Civil Offices in the Public Service. Cap. 26. G. B. & I.
Supplies; for raising the Sum of £13,277,400 by Exchequer Bills, for the Service of the Year 1859 . . . . . Cap. 22. U. K.
——— to apply the Sum of £1,222,383. 8s. 9d. out of the Consolidated Fund to the Service of the Year ending the 31st March 1859 . . Cap. 6. U. K.
——————— to apply the Sum of £11,000,000 out of the Consolidated Fund to the Service of the Year 1859 . . . . . Cap. 7. U. K.
——————— to apply a Sum out of the Consolidated Fund to the Service of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament Cap. 23. U. K.

Union Funds, to continue the Act 20 Vict. c. 18, for charging the Maintenance of certain Paupers upon . . . . . Cap. 29. E.

Validity of Marriages; to render valid certain Marriages in the Church of Saint James Baldersby in the County of York . . . Cap. 24. E.

War Department; to make further Provision for the Purchase of Common and other Rights by Her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State Cap. 12. G. B. & I.
War, Munitions of; to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War Cap. 13. U. K.
Welton and Ecton Exchange; to effect an exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss Sophia Broadley . Cap. 9. E.

Westminster, Appointment of High Bailiff of; to repeal the Thirty-second Section of the Act 9 & 10 Vict. c. 95, "for the more easy Recovery of Small Debts and Demands in England, and to make further Provision in lieu thereof," Cap. 8. E.
White's (Sir Thomas) Charity; for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's Charity and the Free Grammar School in the Town of Nottingham . . . . . Cap. 18. E.
Workmen, Combination of; to amend and explain the Act 6 Geo. 4. c. 129, "to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof" . . . . . Cap. 34. U. K.
Works, Commissioners of. *See* Public Offices Extension.

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

STATUTES PASSED IN THE THIRD SESSION OF THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM.

STATUTES PASSED IN THE FIRST SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-SECOND AND TWENTY-THIRD YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIRST SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION;

AND APPENDIX.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1859.

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize WILLIAM BLACKWOOD AND SONS, Printers in Edinburgh, to Print and Publish, as by the authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said WILLIAM BLACKWOOD AND SONS.

LONDON, 31*st March* 1848. AND. RUTHERFURD.

CONTENTS.

Page

A Table of the Public General Statutes passed in the First Session of the Eighteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

Appendix, ... 59

A Table of all the Local and Personal Acts, declared public, and to be judicially noticed, do. do. . 67

Private Acts, printed by the Queen's Printer, and whereof the printed Copies may be given in Evidence, ... 78

Private Acts, not printed, ... 79

Index to Statutes affecting Scotland, ... 80

Index to all the Public General Acts, ... 82

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

Cap. V. An Act to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament, . . . 2

Cap. VII. An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous, ... 3

Cap. XIV. An Act to amend an Act of the Thirty-ninth and Fortieth Years of King George the Third, for better regulating the Business of Pawnbrokers, ... 5

Cap. XVIII. An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt, ... 7

Cap. XXI. An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer, ... 10

Page

CAP. XXIV. An Act to remove Doubts as to Admission to the Office of Principal in the Universities of Scotland, ... 11

CAP. XXX. An Act to extend the Enactments relating to the Copper Coin to Coin of Mixed Metal, ... 13

CAP. XXXVI. An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars, ... 15

CAP. XXXVII. An Act for the Amendment of the Laws relating to the Customs, ... 17

CAP. XXXVIII. An Act further to amend the Laws relating to the Militia, ... 19

CAP. XLI. An Act to amend the Act for the better Government of India, ... 25

CAP. XLVIII. An Act to continue the Corrupt Practices Prevention Act, 1854, ... 29

CAP. LIII. An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks, ... 31

CAP. LVI. An Act to amend the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, relating to Weights and Measures, ... 32

CAP. LIX. An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration, ... 38

CAP. LXIII. An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof, . 43

CAP. LXVI. An Act for regulating Measures used in Sales of Gas, . 46

APPENDIX.

Local.—CAP. LXX. An Act to amend "The Tweed Fisheries Act 1857," and to alter the Annual Close Times in the River Tweed.

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. I.

An Act to provide for the Authentication of certain Orders of the Privy Council in the Absence of the Clerk of the Council in Ordinary.—[21*st* July 1859.]

CAP. II.

An Act to apply the Sum of Seven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.—[1*st* August 1859.]

CAP. III.

An Act to amend and make perpetual "The Public Health Act, 1858."—[1*st* August 1859.] (England.)

CAP. IV.

An Act to amend the Act for the better Administration of Criminal Justice in Middlesex.—[8*th* August 1859.]

CAP. V.

An Act to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament.—[8*th* August 1859.]

WHEREAS the Act of the Second and Third Years of King *William* the Fourth, Chapter One hundred and sixteen, regulates the Conditions on which Pensions shall be granted to Persons who have served Her Majesty in Diplomatic Offices: And whereas Doubts have arisen as to whether such Pensions, being those of Reward of Diplomatic Service authorized by Parliament, come within the Provisions of the Act of the Sixth Year of Queen *Anne*, Chapter Seven, which renders any Person holding a Pension from the Crown during Pleasure incapable of being elected or of sitting or voting as a Member of the House of Commons: Be it hereby enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons holding Diplomatic Pensions may sit in the House of Commons.

I. That Pensions granted for Diplomatic Services, according to the Provisions of the aforesaid Act of the Second and Third Years of King *William* the Fourth, shall not disqualify the Holder from being elected or sitting or voting as a Member of the House of Commons.

The Act 2 & 3 W. 4. c. 116, not to be affected by this Act.

II. Nothing contained in this Act shall affect any of the Provisions of the aforesaid Act of the Second and Third Years of King *William* the Fourth, for the Regulation of Diplomatic Pensions.

CAP. VI.

An Act to enable Serjeants, Barristers-at-Law, Attorneys, and Solicitors to practize in the High Court of Admiralty.—[8*th* August 1859.]

CAP. VII.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland *to be received, although the Jury may not be unanimous.*—[8*th* August 1859.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to allow Verdicts on Trials by Jury in Civil Causes in* Scotland *to be returned, although the Jury may not be unanimous,* it was enacted, that if upon the Trial by Jury of any Civil Cause in the Court of Session in *Scotland* the Jury are unable to agree upon a Verdict, and if after having been kept in deliberation for a Period of Six Hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of such Jury, and shall be taken and shall have the same Force and Effect as if found unanimously by the whole of the said Jury: And whereas it is expedient that the said Act be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 59.

I. If after having been kept in deliberation for a Period of Three Hours, Nine or more of the Jury on any such Trial as in the said recited Act mentioned shall agree upon a Verdict, the Verdict agreed to by such Nine or more may then be returned, and shall be taken as the Verdict of the Jury, in like Manner and to the like Effect as is provided by the said recited Act in regard to the Verdicts thereby allowed to be returned after the Jury have been kept in deliberation for a Period of Six Hours. If after Three Hours deliberation Nine of the Jury agree, a Verdict may be returned.

II. When

Jury may be discharged without a Verdict after Six Hours deliberation.

II. When in any such Trial Nine of the Jury shall not have agreed on a Verdict after such Jury has been kept in deliberation for a Period of Six Hours, it shall be lawful for the Court or Judge, if such Court or Judge see fit, to discharge such Jury without their having given in a Verdict, in like Manner as a Jury might, prior to the passing of this Act, have been discharged without giving in a Verdict after having been kept in deliberation for a Period of Twelve Hours.

CAP. VIII.

An Act to amend the Act of the Twentieth and Twenty-first Years of Victoria, *Chapter Forty-five, relating to the Survey of Boundaries in* Ireland.—[8*th* August 1859.]

CAP. IX.

An Act to provide for the Exercise of the Duties of Chief Superintendent in China *in certain Cases.*—[8*th* August 1859.]

CAP. X.

An Act to empower the Legislature of Canada *to make Laws regulating the Appointment of a Speaker of the Legislative Council.*—[8*th* August 1859.]

CAP. XI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858).—[8*th* August 1859.] (England.)

CAP. XII.

An Act to repeal, as regards the Colony of Victoria, *and to enable other Colonial Legislatures to repeal, certain Provisions of the Imperial Acts of the Fifty-fourth Year of* George *the Third, Chapter Fifteen, and of the Fifth and Sixth Years of* William *the Fourth, Chapter Sixty-two.*—[8*th* August 1859.]

CAP. XIII.

An Act to enable Her Majesty to confirm an Act passed by the Legislature of Antigua, *intituled* An Act to extend the Operation of the Laws of *Antigua* to the Island of *Barbuda.*—[8*th* August 1859.]

CAP. XIV.

An Act to amend an Act of the Thirty-ninth and Fortieth Years of King George *the Third, for better regulating the Business of Pawnbrokers.* — [8*th* August 1859.]

WHEREAS certain Provisions relating to Informations, Penalties, and Convictions are contained in certain Sections, herein-after more particularly referred to, of an Act passed in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for regulating the Police Courts in the Metropolis;* but such Provisions are restricted in their Operation to the Metropolitan Police Districts: And whereas another Act was passed in the Thirty-ninth and Fortieth Years of King *George* the Third, intituled *An Act for better regulating the Business of Pawnbrokers:* And whereas it is expedient to extend certain of the Provisions of the first-recited Act to the second-recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by

2 & 3 Vict. c. 71.

39 & 40 G. 3. c. 99.

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions contained in Sections 32, 33, 34, and 35 of 2 & 3 Vict. c. 71, extended to 39 & 40 G. 3. c. 99, and to all Parts of England.

The Provisions and Enactments contained in the Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the said recited Act of the Second and Third *Victoria*, Chapter Seventy-one, for regulating the Police Courts in the Metropolis, shall extend and be construed, deemed, and taken to extend to the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, and to all Parts of *England*, in the same Manner and to the same Extent, and to all Intents and Purposes, as if the said Provisions and Enactments were herein repeated and set forth at Length: Provided, that whenever the Word "Magistrate" is used in the said Sections, or any of them, it shall be construed, deemed, and taken, for the Purposes of this Act, to mean any Stipendiary Magistrate or other Justice or Justices of the Peace for the District, County, Riding, Division, City, Liberty, Town, or Place where the Offence has been committed.

CAP. XV.

An Act to Suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[8*th* August 1859.]

CAP. XVI.

An Act to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate, and other Courts and Offices.—[8*th* August 1859.]

CAP. XVII.

An Act to prevent Vexatious Indictments for certain Misdemeanours.—[8*th* August 1859.] (England and Ireland.)

CAP. XVIII.

An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt. —[13*th* August 1859.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Additional Rates of Income Tax granted on Assessments made on the Amount of annual Profits.

I. In addition to the Rates and Duties granted and now chargeable under the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, there shall be charged, collected, and paid, for and in respect of all Property, Profits, and Gains charged or chargeable under the said Act, either by Assessment, Contract of Composition, or otherwise, the following additional Rates and Duties; that is to say, upon any Assessment made on the annual Value or Amount of any Property, Profits, or Gains (except Property, Profits, and Gains chargeable under Schedule (B.) of the said Act,) the additional Rate or Duty of Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, the additional Rate or Duty of Twopence in *England*, and of One Penny Halfpenny in *Scotland* and *Ireland* respectively, for every Twenty Shillings of the annual Value thereof; and such additional Rates and Duties respectively shall be collected and paid with and over and above the First Moiety of the Duties assessed or charged under the said Act.

II. Provided

Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.

II. Provided always, That where any Dividends, Interest, or other Profits or Gains becoming due or payable half-yearly are assessed or charged half-yearly with the Rate or Duty under the said Act, there shall be charged upon the first Assessment or Charge which shall be hereafter made on such Dividends, Interest, Profits, and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the half-yearly Amount thereof; and where any Profits or Gains becoming due or payable quarterly are assessed or charged quarterly with the Rate or Duty under the said Act, there shall be charged upon the first Two quarterly Assessments or Charges respectively which shall be hereafter made on such last-mentioned Profits and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the quarterly Amount of such last-mentioned Profits and Gains; and the said additional Rates and Duties charged in such half-yearly and quarterly Assessments respectively shall be collected and paid with and over and above the Rates and Duties assessed or charged therein respectively under the said Act.

Relief to Persons whose Incomes are under 150*l.* a Year.

III. Provided always, That every Person who shall claim, and prove in the Manner prescribed by the Acts now in force relating to the Income Tax, that his total annual Income from every Source, although amounting to One hundred Pounds or upwards, is less than One hundred and fifty Pounds a Year, shall be entitled to be relieved from so much of the said additional Rates and Duties assessed upon or paid by him under this Act as shall exceed the Rate of One Penny Halfpenny for every Twenty Shillings of his annual Profits or Gains, and such Relief shall be given in the Manner directed by the said Acts.

Provisions of former Acts to be applied.

IV. The additional Rates and Duties by this Act granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act of Parliament hereinbefore mentioned and of the several Acts therein referred to, and also of any Act or Acts subsequently passed explaining, amending, or continuing the said first-mentioned Act; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Rates and Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution, *mutatis mutandis*, for charging, levying, collecting, receiving, accounting for, and securing the said Rates and Duties hereby granted, and otherwise relating thereto.

Deduction to be

V. The additional Rates and Duties by this Act granted and

and imposed shall be deemed to be charged in respect of the Half Year ending on the Tenth Day of *October* One thousand eight hundred and fifty-nine; and every Person liable to the Payment of Rent or any yearly Interest of Money, or any Annuity or other annual Payment, either as a Charge on any Property or as a Personal Debt or Obligation, whether the same shall be received or payable half-yearly or at any shorter or more distant Period, shall be entitled and is hereby authorized, on making such Payment in respect of so much thereof as has accrued or shall have accrued for or during any Period of the said Half Year, to deduct and retain thereout (over and above any other Deduction to which he may be entitled under any other Act) the additional Rate of Duty by this Act granted and imposed, that is to say, at the Rate of Eightpence for every Twenty Shillings of such Payment, and where he has made or shall have made any such Payment without making such Deduction as aforesaid he shall be entitled to recover and receive the Amount thereof from the Person to whom such Payment shall have been made. made on Payment of Interest, &c.

VI. And whereas by the Fifty-fourth Section of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty-four, Provision is made for Deduction, Abatement, Allowance, or Repayment of Duty in favour of any Person who should have contracted for any deferred Annuity on his own Life or on the Life of his Wife in or with any such Insurance Office as in the said Act is mentioned: The Benefit and Advantage of such Provision shall be and is hereby extended and granted to any Person who has or shall have contracted for any such deferred Annuity as aforesaid with the Commissioners for the Reduction of the National Debt. Provision for Allowance of Duty to Persons in respect of deferred Annuities extended to the like Annuities contracted for with the Commissioners for the Reduction of the National Debt.

VII. And in respect of all Malt begun to be made on or after the First Day of *October* One thousand eight hundred and fifty-nine, the Time limited for Payment of the Duty of Excise on Malt by every Maltster or Maker of Malt who shall have given Security by Bond in the Manner directed by the Act passed in that Behalf shall be Twelve Weeks, in lieu of Eighteen Weeks after the making of such Account or Return, as in the said Act is mentioned; and no Person shall be entitled to any Credit for Payment of the Duty of Excise on Malt unless he shall give such Security as aforesaid, by Bond conditioned for Payment of the said Duty within the Period limited by this Act; and every such Bond shall be taken in such Sum as the Commissioners of Inland Revenue, or the Persons appointed by them for that Purpose, shall deem to be sufficient in that Behalf. Reduction of the Period of Credit allowed for Payment of Excise Duty on Malt.

VIII. And in consideration of the Reduction in manner aforesaid of the Period of Credit allowed by Law for Payment of the Duty of Excise on Malt, the Commissioners of Inland Revenue shall Discount to be allowed to Malt-

sters in consideration of the Reduction of Credit.

shall allow to every such Maltster or Maker of Malt who shall have given such Security as aforesaid a Rebate or Discount after the Rate of Four *per Cent per Annum* for the Period of Six Weeks upon the Amount of Charge upon such Maltster or Maker of Malt in respect of all Malt made by him on or after the First Day of *October* One thousand eight hundred and fifty-nine, and before the First Day of *April* One thousand eight hundred and sixty, provided he shall duly pay the Amount of such Charge within the Time appointed by the Law and Usage of Excise in that Behalf.

CAP. XIX.

An Act to repeal Part of an Act passed in the Thirteenth Year of Elizabeth, *Chapter Twenty-nine, concerning the several Incorporations of the Universities of* Oxford *and* Cambridge, *and the Confirmation of the Charters, Liberties, and Privileges granted to either of them.*—[13*th* August 1859.]

CAP. XX.

An Act to amend and consolidate the Laws relating to Military Savings Banks.—[13*th* August 1859.]

CAP. XXI.

An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue side of the Court of Exchequer.—[13*th* August 1859.]

Provision for the Recovery of a Debt of Record due to Her Majesty, where the Party liable resides in another Jurisdiction.

§ XXIV. For the Recovery of any Debt which by Record in Her Majesty's Court of Exchequer in *England* has become or shall become due to Her Majesty, in any case where the Person of the Debtor, or the Estate or Effects of such Debtor, may be within the Jurisdiction of the Court of Exchequer in *Scotland* or *Ireland*, a Copy of the Record of such Debt may be exemplified and transmitted, under the Great Seal of the said Court of Exchequer in *England*, to such other of Her Majesty's said Courts of Exchequer having Jurisdiction in the Place where the Person liable to Payment of such Debt happens to reside, or where his Estate or Effects may be, and the Court to which such exemplified Copy is transmitted shall cause such Copy to be forthwith enrolled in the Rolls of the said Court; and upon the same being so enrolled, the said Court shall cause Execution or other Process to issue for recovering or levying the said Debt so due to Her Majesty, according to the Rules and Practice of such Court, in like Manner in all respects as if such Record had been originally entered or filed in such Court, or the said Debt had originally accrued within the Jurisdiction thereof; and the Proceeds of such Debt, when so recovered, shall be accounted for and paid over in the same Manner as if the same had been recovered within the Jurisdiction of the Court in which such Debt originally accrued.

CAP. XXII.

An Act to amend the Acts relating to the Constabulary Force in Ireland.—[13*th* August 1859.]

CAP. XXIII.

An Act to continue certain Acts relating to the Collection of County Cess in Ireland.—[13*th* August 1859.]

CAP. XXIV.

An Act to remove Doubts as to Admission to the Office of Principal in the Universities of Scotland.—[13*th* August 1859.]

WHEREAS Doubts have arisen as to Admission to the Office of Principal in the Universities of *Scotland* under the Provisions of an Act of the Sixteenth and Seventeenth Years of Her Majesty Queen *Victoria*, intituled *An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of* Scotland, and of an Act of the Twenty-first and Twenty-second Years of Her said Majesty, intituled *An Act to make Provision for the better Government and Discipline of the Universities of* Scotland, *and improving and regulating the Course of Study therein, and for the Union of the Two Universities and Colleges of* Aberdeen: And whereas it is proper that such Doubts should be removed: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 16 & 17 Vict. c. 89. 21 & 22 Vict. c. 83.

It shall not be necessary for any Person who shall be elected, presented, or provided to the Office of Principal in any of the Universities or Colleges in *Scotland*, except the College of *Saint Mary's* in the University of *St Andrew's*, subsequently to the Date at which the said second-recited Act shall have come into operation therein, to make and subscribe the Acknowledgment Principals in any of the Universities or Colleges in Scotland, except the College of St Mary's

in the University of St Andrew's, not required to subscribe Confession of Faith.

knowledgment or Declaration mentioned in an Act passed in the Fourth Session of the First Parliament held in Scotland by Her Majesty Queen *Anne*, intituled *Act for securing the Protestant Religion and Presbyterian Church Government;* but every such Person shall make and subscribe, in the Manner provided by the said first-recited Act as to Persons elected, presented, or provided to Lay Chairs in any such University or College, the Declaration therein set forth.

CAP. XXV.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.—[13*th* August 1859.]

CAP. XXVI.

An Act to make further Provision for the Regulation of the Trade with the Indians, *and for the Administration of Justice in North-western Territories of* America.—[13*th* August 1859.]

CAP. XXVII.

An Act to repeal the Thirty-first Section of the Act of the Sixteenth and Seventeenth Years of Victoria, *Chapter Ninety-five, and to alter the Limit of the Number of European Troops to be maintained for local Service in* India.—[13*th* August 1859.]

CAP. XXVIII.

An Act to amend the Galway *Harbour and Port Act* (1853).—[13*th* August 1859.]

CAP. XXIX.

An Act to repeal a certain Toll levied upon Fishing Vessels passing the Nore.—[13*th* August 1859.]

CAP. XXX.

An Act to extend the Enactments relating to the Copper Coin to Coin of mixed Metal.—[13*th* August 1859.]

WHEREAS Her Majesty may think fit for the Public Convenience to cause to be issued Coins of Bronze or mixed Metal instead of Copper Moneys, or for the Purposes of the like Payments for which Copper Moneys have been made current: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Enactments concerning the Copper Coin 2 & 3 W. 4. c. 34. to apply to Coins of mixed Metal.

I. When any Coin of Bronze or mixed Metal shall be current by virtue of any Proclamation that may be issued by Her Majesty, all the Penalties and Provisions of the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter Thirty-four, "for consolidating and amending the Laws relating to the Coin," which are applicable to the current Copper Coin, or Offences or Acts relating thereto, shall be applicable to such current Coin of Bronze or mixed Metal, or the like Offences or Acts relating thereto; and Sections Twelve and Fourteen of the said Act, and all other Provisions of such Act, and all Enactments whatever, where current Copper Coin is mentioned or referred to, shall be construed and take effect as if, in addition to current Copper Coin, current Coin of Bronze or mixed Metal had been also in every such Case mentioned or referred to.

CAP. XXXI.

An Act to amend the Law relating to Probates and Letters of Administration in Ireland.—[13*th* August 1859.]

CAP. XXXII.

An Act to amend the Law concerning the Police in Counties and Boroughs in England *and* Wales.—[13*th* August 1859.]

CAP. XXXIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[13*th* August 1859.] (England.)

CAP. XXXIV.

An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of Cambridge *and the College of King* Henry *the Sixth at* Eton.—[13*th* August 1859.]

CAP. XXXV.

An Act to further amend the Law of Property, and to relieve Trustees.—[13*th* August 1859.]

(This Act not to extend to Scotland.)

CAP. XXXVI.

An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal

peal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars.—[13*th* August 1859.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Stamp Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Graduated Scales of Stamp Duties on Probates, &c. continued on Property above the Value of 1,000,000*l.*

I. Whereas certain Stamp Duties contained in the Schedule to the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, are now payable upon Probates of Wills and Letters of Administration in *England* and *Ireland*, and upon Inventories to be exhibited and recorded in any Commissary Court in *Scotland*, and are imposed by certain graduated Scales according to the Value of the Estate and Effects for or in respect of which such Probate or Letters of Administration are granted, or whereof such Inventory is exhibited or recorded, but such graduated Scales of Duty cease where such Value amounts to One million Pounds and upwards; and it is expedient to extend and continue such Graduation of Duty as herein-after mentioned: Be it enacted, That in lieu of the said Stamp Duties upon such Probates and Letters of Administration and Inventories respectively, where such Value as aforesaid shall amount to One million Pounds or upwards, there shall be charged and paid the following Duties respectively; that is to say,

For every One hundred thousand Pounds of the whole Value of such Estate and Effects, and any fractional Part of One hundred thousand Pounds,

Where the Deceased shall have left any Will or Testament or Testamentary Disposition of his Personal or Moveable Estate and Effects, the Stamp Duty of One thousand five hundred Pounds;

And where the Deceased shall not have left any such Will or Testament or Testamentary Disposition, the Stamp Duty of Two thousand two hundred and fifty Pounds.

II. The

The Stamp Duty on Licences to exercise the Faculty of Physic repealed.

II. The Stamp of Fifteen Pounds for and in respect of the Admission or Licence of any Person by the College of Physicians in *England* or *Scotland* to exercise the Faculty of Physic, or practise as a Licentiate, granted by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and the like Duty now payable in *Ireland* by and under an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, shall from and after the passing of this Act be and the same are hereby repealed.

Nothing in 50 G. 3. c. 41, or 55 G. 3. c. 71, to hinder Maker of Goods, or his Children, &c., from carrying abroad or exposing to Sale such Goods.

III. And whereas an Act was passed in the Fiftieth Year of the Reign of the late King *George* the Third, Chapter Forty-one, intituled *An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches*, by which certain Rates and Duties (now under the Care and Management of the Commissioners of Inland Revenue) are required to be paid by every Hawker, Pedlar, Petty Chapman, and other trading Person going from Town to Town or to other Men's Houses in *England*, *Wales*, or *Berwick-upon-Tweed*; and every such Person is thereby required to take out a Licence as therein mentioned; and it is by the said Act provided, that nothing therein contained shall extend to hinder the real Worker or Workers, Maker or Makers, of any Goods, Wares, or Manufactures of *Great Britain*, or his, her, or their Children, Apprentices, or known Agents or Servants, usually residing with such real Workers or Makers only, from carrying abroad or exposing to Sale and selling by Retail or otherwise any of the said Goods, Wares, or Manufactures of his, her, or their own making, in any Mart, Market, or Fair, and in every City, Borough, Town Corporate, and Market Town: And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter Seventy-one, to regulate Hawkers and Pedlars in *Scotland*, Licences chargeable with certain Duties (now likewise under the Care and Management of the said Commissioners) are required to be taken out by every such trading Person in *Scotland*, with a similar Proviso: Be it also enacted, That nothing in the said Two last-mentioned Acts respectively shall extend to hinder any such real Worker or Maker, or his Children, Apprentices, or known Agents or Servants aforesaid, from carrying abroad or exposing to Sale any of the said Goods, Wares, or Manufactures of his own making, at any Place whatever in *Great Britain*.

Power to Justices, on Convic-

IV. Where any Person shall be convicted of an Offence under either of the aforesaid Acts relating to Hawkers and Pedlars

Pedlars whereby a pecuniary Penalty has become forfeited, it shall be lawful for the Justice of the Peace, or other Person before whom the Information or Complaint is heard, and he is hereby authorized and empowered, if he shall think fit so to do, to mitigate the Penalty to any Sum not less than One Fourth Part thereof, over and above the necessary Costs of the Proceedings to be allowed by him. tion of a Hawker, to mitigate the Penalty to One Fourth.

CAP. XXXVII.

An Act for the Amendment of the Laws relating to the Customs.—[13*th* August 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Act of Third and Fourth *William* the Fourth, Chapter One hundred and one, is hereby repealed. Repeal of 3 & 4 W. 4. c. 101.

II. Any Officer of the Customs having the Charge or Custody of any Goods which shall have come to his Hands under the Laws relating to the Customs is hereby authorized and empowered to refuse Delivery thereof from the Queen's Warehouse or other Place in which the same shall be deposited until Proof shall be given to his Satisfaction that the Freight due upon such Goods has been paid. Lien for Freight payable before Delivery of Goods from Queen's Warehouse.

III. If any Goods delivered from any Warehouse for Exportation, or for Removal from one Port to another in the United Kingdom, or otherwise, under any Bond required by the Laws relating to the Customs on the Exportation or Removal of such Goods, shall be illegally removed or carried away from any Carriage, Cart, Boat, Lighter, Quay, Wharf, or other Place, prior to the Shipment thereof on board the exporting or removing Vessel, or from any Ship, Cart, or Carriage in or on which the same shall have been shipped or laden, such Bond shall be forfeited, and may forthwith be put in Suit for the Penalty thereof, although the Time prescribed in such Bond for the landing or Removal and re-warehousing of such Goods at the Place of Destination shall not have expired. Goods under Bond for Exportation to be duly shipped.

IV. In addition to the Declaration upon the Shipping Bill required by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," the Exporter or his Agent shall Goods to be correctly stated in the De-

claration on Shipping Bills.

shall declare that the Quantity and Description of the Goods mentioned in any such Shipping Bill delivered by him in pursuance of the said Act are correctly stated, and the Declaration hereby required shall be deemed and taken to be a Part of such Shipping Bill, as fully as if the same had been required by the said Act, and if the same shall be false in any Particular the Person making the same shall forfeit the Sum of Twenty Pounds.

Shipping Bills on Exportation to be delivered, and if not acted upon to be notified.

V. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," and this Act, or who, having delivered such Shipping Bill and Duplicates, shall, in the event of the Goods or any Part thereof comprised therein not being duly shipped, in pursuance thereof, fail within Three Days after the final Clearance Outwards of the Ship in which such Goods were in such Shipping Bill entered to be shipped, to attend the proper Officer of Customs, either by himself or his Agent, and correct and make perfect such Shipping Bill, by striking out of the same such of the Goods entered therein as shall not have been shipped in pursuance thereof, shall forfeit the Sum of Twenty Pounds.

Penalty on fraudulent Import Entries and Concealments.

VI. If any Person shall cause to be imported Goods of one Denomination concealed in Packages of Goods of any other Denomination, or shall directly or indirectly cause to be imported or entered any Package of Goods as of one Denomination, but which shall afterwards be discovered, either before or after Delivery thereof, to contain other Goods subject to a higher Rate or Amount of Duty than those of the Denomination by which such Package was entered, such Package and all Goods contained therein shall be forfeited, and every Person shall forfeit and pay for every such Offence a Penalty of One hundred Pounds, or treble the Value of the Goods contained in such Package at the Option of the Commissioners of Customs.

Butter and Deals from Canada may be imported viâ Portland.

VII. Whereas by Section Forty-three of "The Customs Consolidation Act, 1853," it is enacted, "that no Goods shall "be deemed to be imported from any particular Place unless "they be imported direct from such Place, and shall have been "there laden on board the importing Ship either as the first "Shipment of such Goods or after the same shall have been "actually landed at such Place;" and by Section Seventy-seven of the same Act it is further enacted, "that no Goods "shall be entered as being of or from any British Possession "abroad (if any Benefit attach to such Distinction), (except "as therein excepted), unless the Master of the Ship importing "the

" the same shall have delivered to the Collector or Comptroller " a Certificate under the Hand of the proper Officer of the " Place where such Goods were taken on Board of the due " Clearance of such Ship from thence, containing an Account of such Goods;" and by "The Customs Tariff Act, 1855," certain Goods of and from a *British* Possession are entitled to Entry upon Importation into the United Kingdom at a lower Rate of Duty than when imported from a Foreign Country, but are, under the Provisions of Section Forty-three of "The Customs Consolidation Act, 1853," required to be imported direct from the Place of Growth or Produce: And whereas it is expedient to relax the Provisions of the said Act in regard to Butter and Deals the Produce of *Canada* imported from thence into the United Kingdom *viâ Portland* in the United States of *America:* Be it therefore enacted, That, notwithstanding anything in the said Acts contained to the contrary, it shall and may be lawful to import Butter and Deals into the United Kingdom from *Canada viâ Portland*, under such Rules and Regulations as the Commissioners of the Treasury or the Commissioners of Customs may from Time to Time direct and appoint; and that such Goods so imported shall be entitled to the same Privileges, and admissible at the same Rate of Duty, as if imported direct from *Canada*.

Interpretation of Terms.

VIII. For the Removal of Doubts as to the Meaning and Application of the Word "Importer," as used in the Customs Acts, the Word "Importer," in any Act relating to the Customs is hereby declared to apply to and include any Owner or other Person for the Time being possessed of or beneficially interested in any Goods imported into the United Kingdom, from the Time of the Importation thereof until they shall, on Payment of the Duties thereon or otherwise, be duly delivered or discharged from the Custody or Control of the Customs.

Short Title.

IX. In citing this Act in other Acts and in legal Instruments it shall be sufficient to use the Expression "The Customs Amendment Act, 1859."

CAP. XXXVIII.

An Act further to amend the Laws relating to the Militia.—[13*th* August 1859.]

51 G. 3. c. 118.

WHEREAS an Act was passed in the Fifty-first Year of King *George* the Third, Chapter One hundred and eighteen, "to permit the Interchange of the *British* and *Irish* Militias respectively;" and by Section Eight of that Act it was enacted,

enacted, that no Regiment, Battalion, or Corps of *British* or *Irish* Militia should continue to serve in *Ireland* or *Great Britain* respectively for any longer Period than Two Years successively, and that no greater Number than One Fourth Part of the Militia of *Great Britain* should at any One Time be employed in *Ireland*, nor any greater Number than One Third Part of the Militia of *Ireland* be at One Time employed in *Great Britain*, except in case of Invasion or Rebellion, as therein mentioned; and by Section Nine of that Act it was enacted, that no Regiment, Battalion, or Corps of *British* or *Irish* Militia, having once performed its Period of Service in *Ireland* or *Great Britain* respectively should be again liable to serve in *Ireland* or *Great Britain* respectively, until the Expiration of Six or Four Years respectively, to be calculated from the Termination of such Period of Service, except in case of Invasion or Rebellion, as therein mentioned: And whereas it is expedient that the Restrictions contained in the said Sections on the Interchange of the Militia in different Parts of the United Kingdom should, except as to Persons now serving in the Militia, be repealed, and that the Laws relating to the Militia should be otherwise amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sections 8 and 9 of the Act 51 G. 3. c. 118. repealed as to Men hereafter raised for the Militia.

I. All Persons who may be commissioned, raised, and enrolled in and for the regular Militia in *Great Britain* and *Ireland* respectively at any Time after the passing of this Act, under any Act now in force or which may hereafter be in force for raising Men for the Militia, shall be liable to serve in all Parts of the United Kingdom of *Great Britain* and *Ireland* during all or any Part of their Terms of Service in the Militia; and as respects such Persons as aforesaid, Sections Eight and Nine of the said Act of the Fifty-first Year of King *George* the Third shall be repealed.

Her Majesty may employ the present Militia making voluntary Offers beyond the limited Period of Interchange.

II. It shall be lawful for Her Majesty to employ, in *Ireland* or *Great Britain* respectively, beyond the Period of Two Years mentioned in Section Eight of the said Act, or before the Expiration of Six or Four Years mentioned in Section Nine of the said Act, such Part of the *British* and *Irish* Militia respectively raised before the passing of this Act, as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State,

State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the said *British* or *Irish* Militia respectively, to propose to such Regiment, Battalion, or Corps to extend the Period of their Services in *Ireland* or *Great Britain*, as the Case may be, beyond the said Term of Two Years, or before the Expiration of the said Six Years or Four Years respectively, under such Rules and Regulations as Her Majesty may think fit and appoint.

The Militia who volunteer may be employed in addition to the Proportion now limited.

III. In reckoning the One Fourth Part of the *British* Militia which may at one Time be employed in *Ireland*, or the One Third Part of the *Irish* Militia which may at one Time be employed in *Great Britain*, any Part of the present *British* or *Irish* Militia respectively which shall have volunteered to serve in *Ireland* or *Great Britain* respectively beyond the said Period of Two Years, or before the Expiration of such Six Years or Four Years, shall be excluded, and may be so employed in addition to such One Fourth Part or One Third Part of the same Militia, as the Case may be.

Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands.

IV. It shall be lawful for Her Majesty to employ in any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the *Isle of Man*, such Part of the Militia now raised or hereafter to be raised in any Part of the United Kingdom as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion or Corps of the said Militia respectively, to propose to such Regiment, Battalion, or Corps to extend their Services to the said Isles of *Guernsey, Jersey, Alderney, Sark,* and *Man*, under such Rules and Regulations as Her Majesty may think fit and appoint.

Commanding Officer to explain the Offer to be voluntary.

V. No Person serving in the said Militia raised before the passing of this Act shall be compelled to make an Offer to serve or be engaged to serve, except by his own Consent, beyond the said Period of Two Years, or before the Expiration of the said Six Years or Four Years respectively, out of that Part of the United Kingdom in or for which he was enrolled; and no Person now serving, or hereafter serving in such Militia, shall be compelled to make an Offer to serve in the said *Channel Isles*, or be engaged so to serve, except by his own

own Consent; and no Commanding Officer shall certify according to this Act any voluntary Offer previously to his having explained to every Person of the Militia offering so to serve that the Offer is to be purely voluntary on his Part.

Qualification for Adjutants in Ireland and Great Britain assimilated.

VI. Where under the Enactments respecting the Appointment of Adjutants in the Militia in *Ireland*, Three Years Service in Her Majesty's Regular Forces or the Forces of the *East India* Company is a Qualification, Five Years Service shall be required for Adjutants hereafter to be appointed; and for the Qualification of Persons to be appointed Adjutants in the Militia, as well in *England* and *Scotland* as in *Ireland*, Service in the Army of the *East India* Company and in Her Majesty's *Indian* Army or in either of them shall be deemed equivalent to Service for the like Term in Her Majesty's Regular Army.

Service in the East Indian Army to be a Qualification.

Powers vested in Her Majesty for uniting the Militias of Counties extended.

VII. The Power vested in Her Majesty to direct the Militia of a County, Riding, or Place in *England* to be united with a Militia of any County, Riding, or Place adjoining, and the like Power vested in the Lord Lieutenant of *Ireland* as to the Militia of a County in *Ireland*, may be exercised not only where the Number of Militiamen required to be raised for the County, Riding, or Place, appears insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, but also where the Number of Militiamen actually raised, and serving for such County, Riding, or Place appears to Her Majesty or (in *Ireland*) to the Lord Lieutenant insufficient to be conveniently formed into or continued as a separate Regiment, Battalion, or Corps; and in every Case where the Militia of Two or more Counties, Ridings, or Places are united, it shall be lawful for Her Majesty or (in *Ireland*) for the Lord Lieutenant to direct what Officers shall be appointed by the Lieutenants of such respective Counties, Ridings, or Places, and what Officers already appointed for the separate Militias shall serve in the United Militia, and generally to give such Orders and Directions in relation to the Organisation of the United Militia as to Her Majesty or (in *Ireland*) to the Lord Lieutenant may seem convenient.

Times and Places of Training in Great Britain to be appointed by Her Majesty; in Ireland by the Lord Lieutenant.

VIII. So much of the following Sections of the Acts passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, *videlicet*, Chapter One hundred and five, Section Thirty-eight, Chapter One hundred and six, Section Forty-four, and Chapter One hundred and seven, Section Seventeen, as provides for the Appointment of the Times and Places of Training and Exercise of Militiamen in *England*, *Scotland*, and *Ireland* respectively, shall be repealed; and the Times and Places of Training and Exercise of the Militiamen

Militiamen in *England* and *Scotland* respectively shall be appointed by Her Majesty, by Order signified by One of Her Principal Secretaries of State; and the Times and Places of Training and Exercise of the Militiamen in *Ireland* shall be appointed by the Lord Lieutenant, by Order signified by his Chief or Under Secretary; and the Powers vested in the Lord Lieutenant under this and the preceding Section may be exercised by the other Chief Governor or Governors of *Ireland* for the Time being.

Term of Service of Militiamen absent from annual Training to be extended.

IX. Any Militia Volunteer who unlawfully absents himself during the whole of the Time of Training and Exercise in any Year, or during any Part of such Time exceeding Fourteen Days, shall, whether he shall or shall not have been punished for his Offence, be liable to serve, after the Expiration of the Term for which he may have been enrolled, for an additional Year for every annual Period of Training and Exercise from or during which he so absents himself; and in every such Case the Colonel or Commanding Officer shall make an Entry on the Roll in which such Volunteer is enrolled of his Absence as aforesaid, and such Entry shall be conclusive Evidence of the Fact of such Volunteer having so absented himself.

Fraudulent Re-enlistment to be deemed Desertion.

X. Any Militia Volunteer who before the Expiration of his Engagement as a Militiaman in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of the Militia raised in any Part of the United Kingdom, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall be deemed a Deserter.

Volunteer fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to be subject to Stoppages.

XI. Any Militia Volunteer who before the Expiration of his Engagement enrols or offers to enrol himself as aforesaid, may, by Order of the Secretary-at-War, be required to serve in any Regiment, Battalion, or Corps of Militia in which he may have fraudulently enrolled or offered to enrol himself, and thereupon such Militia Volunteer shall be liable to serve in such Regiment, Battalion, or Corps for the same Term and in the same Manner as if his Enrolment therein had been lawful, or he had been lawfully enrolled pursuant to his Offer; and such Order may be made upon any such Militia Volunteer in lieu of or in addition to any Punishment to which he may be otherwise liable, whether he may have been tried by a Court-martial or before a Justice of the Peace; and every such Offender shall forfeit all Bounty due or which would have become due to him, and shall be subjected to such Stoppages from his daily Pay, and for such Time, and to be applied in such Manner, as the Secretary-at-War may direct, to meet the Loss

Loss or Expense occasioned by the fraudulent Conduct of the Offender.

Deserters may be tried by Court-martial or may be proceeded against summarily before Justices.

XII. Every Deserter from the Militia in any Part of the United Kingdom, and every Person who in respect of any Offence against the Militia Laws is deemed a Deserter, may, whenever he is apprehended, and whether his Term of Service shall or shall not have expired, be tried by a Regimental Court-martial, and punished in manner provided for the Punishment of Deserters by any Act in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War for the Time being in force, with regard to Persons subject to such Act and Articles of War who are tried by District Court-martial, but so that no Punishment shall extend to the Loss of Life or Limb; or such Deserter may, whenever he is apprehended as aforesaid or within One Month thereafter, be tried summarily by any Justice or Justices of the Peace in any Part of the United Kingdom where such Deserter may be when summary Proceedings against him are instituted, and upon summary Conviction before any such Justice or Justices shall forfeit and pay any Sum not less than Forty Shillings and not exceeding Twenty Pounds, and in default of Payment shall be committed to the Common Gaol or House of Correction, to be imprisoned, with or without Hard Labour, for any Time not less than Two Months and not exceeding Six Months; and it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried.

Sect. 40. of 17 & 18 Vict. c. 105., Sect. 59. of 17 & 18 Vict. c. 106., and Sect. 23. of 17 & 18 Vict. c. 107. repealed.

XIII. Section Forty of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and five; Section Fifty-nine of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six; and Section Twenty-three of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, shall be repealed.

Application of Penalties.

XIV. All Penalties imposed by this Act upon Militiamen (except the Stoppages from Pay herein-before provided for, and except the Deductions from Bounty which shall be brought to Public Credit), shall be paid to the Commanding Officers of the respective Regiments, Battalions, or Corps of Militia to which the Offenders belong, and shall be made and accounted for as Part of the Public Stock of such Regiments, Battalions, or Corps respectively.

CAP. XXXIX.

An Act to enable the Secretary of State in Council of India *to raise Money in the United Kingdom for the Service of the Government of* India.—[13*th* August 1859.]

§ I. Power to the Secretary of State in Council of India to raise any Sum not exceeding Five Millions.—II. Bonds may be issued under the Hands of Two Members of the Council, countersigned by Secretary of State or One Under Secretary.—III. Debentures may be issued.—IV. As to Payment of Principal and Interest on Debentures.—V. Debentures transferable by Delivery or Deed; Coupons by Delivery.—VI. Capital Stock and Annuities may be created and issued.—VII. Transfer books of such Capital Stock and Annuities to be kept.—VIII. Annuities Personal Estate.—IX. The whole Amount charged on Revenue of India not to exceed Five Millions.—X. Power to raise Money for Payment of Principal Money.—XI. Securities, &c. to be charged on Revenues of India.—XII. Provision as to composition for Stamp duties on India Bonds extended to Bonds and Debentures under this Act.—XIII. Forgery of Debentures to be punishable as Forgery of East India Bonds.—XIV. Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.—XV. Saving Powers of the Secretary of State in Council.

CAP. XL.

An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same.—[13*th* August 1859.]

CAP. XLI.

An Act to amend the Act for the better Government of India.—[13*th* August 1859.]

WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for the better Government of* India: And whereas it has been considered that, under the Enactment in the Fortieth Section of the said Act, the local Governments in *India* and Officers intrusted with the Charge of Provinces or Districts there respectively cannot

cannot enter into and execute such Contracts and Assurances in *India* on behalf of the Secretary of State in Council as before the Commencement of the said Act they were respectively competent to enter into and execute on behalf of the *East India* Company, and it is expedient to give them such Powers: And whereas Doubts have arisen as to the proper Mode of the Execution of Contracts entered into by the Secretary of State in Council pursuant to the Provision of the said Fortieth Section of the said Act, and it is expedient that such Doubts should be removed: And whereas it is expedient to alter so much of the Enactment in the Forty-third Section of the said Act as relates to the Mode of signing and countersigning the Drafts or Orders therein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Powers to execute Contracts vested in Government of India.

I. The Governor General of *India* in Council, the Governor in Council of *Fort St George*, the Governor in Council of *Bombay*, the Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, respectively, or any Officer for the Time being intrusted with the Government, Charge, or Care of any Presidency, Province, or District in *India*, subject to such Provisions or Restrictions as the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall from Time to Time prescribe, are hereby respectively empowered to sell and dispose of all Real and Personal Estate whatsoever in *India* for the Time being vested in Her Majesty under the said Act, within the Limits of their respective Governments, Provinces, or Districts, or to raise Money on any such Real Estate by way of Mortgage, and to make proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interest therein, Stores, Goods, Chattels, and other Property in *India*, within the said respective Limits, and to enter into any Contracts whatsoever, within the said respective Limits, for the Purposes of the said Act, and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*.

Mode of executing Contracts in India.

II. The Secretary of State in Council may be named as a Party to any such Deed, Contract, or other Instrument, and it shall be sufficient to use the Designation of Secretary of State in Council in such Deed, Contract, or other Instrument, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by Order of the Governor General in Council, Governor in Council, Lieutenant Governor of

of the North-western Provinces, or other Officer intrusted as aforesaid, but may be executed in other respects in like Manner as other Instruments executed by or on behalf of him or them respectively in his or their official Capacity, and may be enforced by or against the Secretary of State in Council for the Time being; and neither the Secretary of State, nor any Member of the Council, nor any Person executing such Deed, Contract, or other Instrument, shall be personally liable in respect thereof; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

Secretary of State and Council not to be personally liable.

III. Notwithstanding anything contained in the said Act, it shall be lawful for the Governor and Company of the Bank of *England* to pay out all or any of the Moneys paid to the Credit of the Account opened under the said Act by the Governor and Company of the Bank of *England*, intituled "The Account of the Secretary of State in Council of *India*," upon any Drafts or Orders signed by the Accountant General on the Establishment of the Secretary of State in Council, or by either of the Two Senior Clerks in the Department of the said Accountant General, and countersigned in such Manner as the Secretary of State for *India* in Council shall from Time to Time order or establish; and any Draft or Order signed and countersigned as aforesaid, or in manner directed by the said Act, shall effectually discharge the Bank of *England* for all Moneys paid upon the same.

Mode of signing Drafts or Orders on Bank of England.

IV. If before the passing of this Act any Contracts or Assurances shall have been entered into or made on behalf of the Secretary of State in Council, or the Government of *India*, by any Person in *India* who, previously to the Commencement of the said Act, would have been authorized to enter into and make the same on behalf of the *East India* Company, such Contracts or Assurances shall have the same Validity in favour of and against the Secretary of State in Council as they would have had in favour of and against the said Company if made on behalf of the said Company, and if the said Act had not been passed; but neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contracts or Assurances; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

As to Validity of Contracts, &c. entered into before the passing of this Act.

V. All Contracts purporting to be entered into by the Secretary of State in Council which shall have been previous to the passing of this Act made under the Hands and Seals or Hands of Three or more Members of Council shall be as valid and effectual, to all Intents and Purposes whatsoever, as the same

Mode of executing Contracts.

same would have been if Section Forty of the said Act had contained an express Provision that the Contracts to be entered into by the Secretary of State in Council pursuant to that Act might be so made; and from and after the passing of this Act all Contracts in Writing entered into by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, may be expressed to be made by the Secretary of State in Council under that Designation, and if such as if made between private Persons would be by Law required to be under Seal may be made, varied, or discharged under the Hands and Seals of Two Members of the Council, or if such as if made between private Persons would be by Law required to be signed by the Parties to be charged therewith, may be made, varied, or discharged under the Hands of Two Members of the Council; and the Benefit and Liability of such Contracts shall pass to the Secretary of State in Council for the Time being.

Actions to be carried on in Name of Secretary of State for India.

VI. All Actions, Suits, and Proceedings in any Court of Justice in respect of any of the Matters aforesaid shall and may be carried on, prosecuted, or defended in the name of the Secretary of State for *India* in Council.

CAP. XLII.

An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service.—[13*th* August 1859.]

CAP. XLIII.

An Act to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land.—[13*th* August 1859.]

CAP. XLIV.

An Act to continue the Act for the Exemption of Stock in Trade from Rating.—[13*th* August 1859.]

CAP. XLV.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.—[13*th* August 1859.]

CAP. XLVI.

An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in England.—[13*th* August 1859.]

CAP. XLVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England *and* Wales.—[13*th* August 1859.]

CAP. XLVIII.

An Act to continue the Corrupt Practices Prevention Act, 1854.—[13*th* August 1859.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and amend the "Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven, the said first-mentioned Act was amended and was continued until the Tenth Day of *August* One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament: And whereas it is expedient that the said first-mentioned

17 & 18 Vict. c. 102. 21 & 22 Vict. c. 87.

mentioned Act as so amended should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duration of Act.

The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the Tenth Day of *August* One thousand eight hundred and sixty.

CAP. XLIX.

An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts.—[13*th* August 1859.]

CAP. L.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.—[13*th* August 1859.]

CAP. LI.

An Act to continue certain Turnpike Acts in Great Britain.—[13*th* August 1859.]

CAP. LII.

An Act to amend the Laws relating to the Police District of Dublin *Metropolis.*—[13*th* August 1859.]

CAP. LIII.

An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks.—[13*th* August 1859.]

WHEREAS by the Acts now in force Friendly Societies legally established are entitled to invest their Funds to any Amount in a Savings Bank: And whereas Charitable Societies and Provident Institutions can only invest to the Amount of One hundred Pounds *per Annum*, and the Amount of the Sum to be invested by such Institution or Society cannot exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest: And whereas it is expedient to place such Societies and Institutions, and also Penny Savings Banks, upon the same Footing in that respect as Friendly Societies legally established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Funds of Penny Savings Banks, &c. may be invested in Savings Banks to any Amount.

I. That it shall be lawful for the Trustees or Treasurer of any Penny Savings Bank, Charitable or Provident Institution or Society, or Charitable Donation or Bequest for the Maintenance, Education, or Benefit of the Poor in *Great Britain* or *Ireland*, to invest, with the Approval of the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, and under such Regulations as shall be prescribed by them in that respect, the Funds of such Penny Savings Bank, Institution, or Society, without Restriction as to Amount, into the Funds of any Savings Bank duly established.

If Savings Banks Rules are already certified they need not be again certified.

II. Provided always, That nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations again certified if the same have been before certified according to Law.

CAP. LIV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of Non-commissioned Officers.*—[13*th* August 1859.]

CAP. LV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.—[13*th* August 1859.]

CAP. LVI.

An Act to amend the Act of the Fifth and Sixth Years of King William *the Fourth, Chapter Sixty-three, relating to Weights and Measures.*—[13*th* August 1859.]

WHEREAS it is expedient that the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, intituled *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*, should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Imperial Standards of Weights and Measures when to be adjusted.

I. No Model or Copy of any of the Imperial Standards of Weights shall be deemed legal, or used for the Purpose of enforcing the Provisions of this Act or the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, unless the same have been compared or re-verified by the Comptroller General or some other Officer of the Exchequer duly authorized, within Five Years before the Time when it is so used; and no Model or Copy of any of the Imperial Standards of Measures shall be deemed legal or used for the Purposes aforesaid unless it have been compared or re-verified as aforesaid within Ten Years before the Time when it is so used, or, in any County containing more than One District for the Inspection of Weights and Measures, unless such Model or Copy have been compared by the Inspector of Weights and Measures in the District in which it is used, in the Presence of One Justice of the County, with a Model or Copy of the Imperial Standard of Weight duly compared and verified at the Exchequer within Five Years of its being so used, and found on such Comparison by such Inspector to be correct, or with a Model or Copy of the Imperial Standard of Measure duly compared and verified at the Exchequer within Ten Years of its being so used, and found on such Comparison by such Inspector to be correct; and the Expenses incurred in and about such Comparison or Re-verification of any such Model or Copy of any Imperial Standard of Weight or Measure shall in all Cases be paid in the same Manner and out of the same Funds as is provided for the procuring of such Models and Copies.

Penalty for making and selling false Beams and Scales or Weights and Measures.

II. No Person shall wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust Beam, Scale, or Balance, or any light or unjust Weight or Measure; and every Person who shall commit any such Offence shall upon being convicted thereof forfeit and pay any Sum not exceeding Ten Pounds as shall be adjudged by the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place.

Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.

III. It shall be lawful for every Inspector of Weights and Measures, or other Person or Persons duly appointed to inspect Weights and Measures, at all reasonable Times to inspect all Beams, Scales, and Balances, and Weights and Measures, in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or other open Place; and if upon such Inspection or Examination any such Beams, Scales, or Balances,

ances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of this Act or the hereinbefore recited Act, or if any Fraud be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds.

Municipal Corporations to appoint Inspectors.

IV. And whereas Doubts have arisen as to the Authority by or under which Inspectors and Examiners of Weights and Measures in certain Municipal Boroughs have been heretofore authorized and appointed: Be it therefore enacted, That the Town Councils of all Municipal Boroughs in *England* and *Wales* incorporated under the Provisions of the Statute passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or any Act for the amendment thereof, to which a separate Court of Quarter Sessions has been granted, shall have respectively, and they are hereby authorized and empowered henceforth to use and exercise, solely within their respective Boroughs, all and every the Powers and Authorities concerning Weights and Measures, and the providing of Copies of the Imperial Standard Weights and Measures verified and stamped at the Exchequer, and the Inspection, Examination, and Seizure of all unjust Weights and Measures, and the Appointment and Authorization of such Inspectors and Examiners, as are by Law now vested in, used and exercised by, any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* and *Wales*, within the Limits of their Commission, under or by virtue of the Statute passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to repeal an Act of the Fifth and Sixth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*, or under or by virtue of any other Law or Statute whatsoever; and that such Inspectors and Examiners so appointed by such Town Councils as aforesaid, and duly authorized by Warrant or other Authority in Writing under the Hand of the Mayor of any such Borough for the Time being, and under the Corporate Common Seal of any such Town Council as aforesaid, shall have, possess, and exercise the same or the like Powers of entering Shops, Stores, Warehouses, Manufactories, Stalls, Yards, and Places, within any such Borough, and of examining, comparing, trying, and seizing any such Weights or Measures, as are now had, possessed, or exercised by any Inspectors or Examiners authorized

or

or appointed in Counties by such Justices as aforesaid, under or by virtue of the Statute lastly herein-before referred to, or under or by virtue of any Law or Statute whatsoever; and all the penal and other Provisions of such Statute or of any such Statutes, so far as they are not repugnant to or inconsistent with this Enactment, shall apply to all such Boroughs, Town Councils, Inspectors, and Examiners respectively, and to all Weights and Measures used or to be used in such Boroughs respectively, and to the Examination, Comparison, Trial, and Seizure thereof; and every such Council shall and lawfully may pay from Time to Time to such Inspectors and Examiners so appointed by them respectively, out of the Borough Funds or Borough Rates of such Boroughs respectively, such Salaries, Wages, or Allowances as each such Council respectively shall deem reasonable, and also out of the same Funds or Rates shall pay and defray all Costs incidental to the providing of the said Copies of the Imperial Standard Weights and Measures, and of carrying out the said last-mentioned Act and this Act within such Boroughs; and all Fees, Penalties, and Monies which but for this Act would have been payable to the County Stock or Fund shall be paid into and go in aid of the Borough Fund of such Borough: On the Exercise of any of such Powers by the Town Council of any such Municipal Borough, and on written Notice under the Corporate Common Seal of such Borough being given of the Exercise of any of such Powers to the Clerk of the Peace of the County, Riding, or Division in which such Borough shall be situate, and after the Expiration of One Calendar Month from the Day on which such Notice shall be given or left at the Office of the said Clerk of the Peace, all the Powers and Authorities of all Inspectors or Examiners appointed by the Justices of the Peace at their General Quarter Sessions of the Peace for such County, Riding, or Division shall, as to such Borough, and all Weights and Measures therein, cease and be absolutely at an End.

Inspectors authorized to stamp Measures although made partly of Glass, &c.

V. And whereas since the passing of the said Act Measures for Liquids have been constructed with a small Window or transparent Part through which the Contents, whether to the Brim or to any other Index thereof, may be seen without Impediment, and the Use of such Measures by Publicans and others in the Retail of Malt Liquors and Spirits and other exciseable Liquids would be attended with Advantage both to the Purchaser and Seller: Be it therefore further enacted, That Measures for such Liquids which shall correspond in Capacity with the Standards, or Parts or Multiples thereof, respectively deposited in the Exchequer, although such Measures may be made partly of Copper or other Metal and partly of

of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding: That Measures for such Liquids, the Capacity of which shall exceed the Standard or Parts or Multiples of the respective Imperial Standard Measures deposited in the Court of Exchequer, but which shall have the Capacity of such Standards or Parts or Multiples thereof respectively indicated by a level Line drawn through the Centre of the Window or transparent Part, although such Measures may be made partly of Copper or other Metal and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding.

Owners of Markets to provide Beams, Scales, &c.

VI. It shall be lawful for the Owners or Managers of any public Market where Goods are exposed or kept for Sale, and they are hereby required, to provide proper Beams, Scales, and Balances, and Weights and Measures, or other Machines, for the Purpose of weighing or measuring all Goods sold, offered, or exposed for Sale in any such Market, and to deposit the same at the Office of the Clerk or Toll Collector of such Market, or some other convenient Place, and to have the Accuracy of all such Beams, Scales, and Balances, and Weights and Measures, or other Machines, tested at least Twice in every Year by the Inspector of Weights and Measures of and for the County or District where any such Market is situate; and all Expenses attending the Purchase thereof, and for adjusting and testing the same, shall be paid out of the Monies collected for Tolls in any such Market; and such Clerk or Toll Collector shall at all reasonable Times, whenever called upon so to do, weigh or measure all Goods which shall have been sold, offered, or exposed for Sale in any such Market, upon Payment of such reasonable Sum or Sums of Money as shall from Time to Time be decided upon by the said Owners or Managers, subject to the Approval and Revision of the Justices in General or Quarter Session assembled if such Market be in *England*, or of the Sheriff if it be in *Scotland*.

Power to Clerks of Markets to inspect Goods sold, &c., and if Weighing found deficient to summon the Offender.

VII. It shall be lawful for every Clerk or Toll Collector of any public Market, at all reasonable Times, to weigh or measure all Goods sold, offered, or exposed for Sale in any such Market; and if upon such weighing or measuring any such Goods shall be found deficient in Weight or Measure, or otherwise contrary to the Provisions of this Act or the herein-before recited Act, every such Clerk or Toll Collector is hereby authorized and required to summon the Person selling, offering,

or

or exposing for Sale, or causing to be sold, offered, or exposed for Sale, any such Goods before any Justice, Sheriff, or Magistrate having Jurisdiction in the County or District where any such Market is situate; and every such Justice, Sheriff, or Magistrate shall, upon Proof thereof, convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed, and shall from Time to Time award to any such Clerk or Toll Collector such reasonable Remuneration (to be paid out of the said Penalties) as to him shall seem fit.

Penalties.

VIII. For every Offence against or Disobedience to the Provisions of this Act or the herein-before recited Act for which no special Penalty is provided, the Offender shall, at the Discretion of the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place, be liable to any Penalty not exceeding Five Pounds, as shall be adjudged by such Justice, Sheriff, or Magistrate.

Act how to be construed.

IX. This Act shall be construed and taken together with the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

Not to abridge the Power of the Leet Jury, &c.

X. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to supersede, limit, take away, lessen, or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, or any Jury or Ward Inquest may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures or Goods, deficient in Weight or Measure, within their respective Jurisdictions, and presenting the same at the Court Leet, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

Powers of Universities to remain in force.

XI. The Powers heretofore lawfully belonging to the Universities of *Oxford* and *Cambridge* respectively shall continue in full Force anything in this Act contained notwithstanding.

Extent of Act.

XII. This Act shall not extend to *Ireland*.

CAP. LVII.

An Act limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges.—[13*th* August 1859.]

CAP. LVIII.

An Act to empower the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Space for the Western Approach to Westminster *New Bridge.*—[13*th* August 1859.]

CAP. LIX.

An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration.—[13*th* August 1859.]

FOR the better providing for the settlement by Arbitration of Matters in which Railway Companies in the United Kingdom are mutually interested, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say),

Short Title. "Railway Companies."

I. This Act may for all Purposes be cited as "Railway Companies Arbitration Act, 1859;" and the expression "Railway Companies" in this Act extends to and includes all Persons being the Owners or Lessees of, and all Contractors working any Railway upon which Steam Power is used.

Power for Railway Companies to refer Matters to Arbitration.

II. Any Two or more Railway Companies, whether already or hereafter incorporated (in this Act called "the Companies"), from Time to Time, by Writing under their respective Common Seals, may agree to refer and may refer to Arbitration, in accordance with this Act, any then existing or future Differences, Questions, or other Matters whatsoever in which they then are or thereafter shall be mutually interested, and which they might lawfully settle or dispose of by Agreement between themselves, and

and may delegate to the Person or Persons to whom the Reference is made any Power to determine all or any of the Terms of any Contract to be made between the Companies which the Directors of the Companies respectively might lawfully delegate to any Committees of themselves respectively.

Power to alter or revoke Agreements for Reference.

III. The Companies jointly, but not otherwise, from Time to Time, by Writing under their respective Common Seals, may add to, alter, or revoke any Agreement for Reference in accordance with this Act theretofore entered into between the Companies, or any of the Terms, Conditions, or Stipulations thereof.

Agreements to be carried into effect.

IV. Every Reference or Agreement in accordance with this Act, except so far as it is from Time to Time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full Effect.

Reference to a single Arbitrator.

V. Where the Companies agree, the Reference shall be made to a single Arbitrator.

Reference to Two or more Arbitrators.

VI. Except where the Companies agree that the Reference shall be made to a single Arbitrator, the Reference shall be made as follows; to wit,

Where there are Two Companies the Reference shall be made to Two Arbitrators:

Where there are Three or more Companies the Reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

VII. Where there are to be Two or more Arbitrators, every Company shall by Writing under their Common Seal appoint One of the Arbitrators, and shall give Notice in Writing thereof to the other Company or Companies.

Appointment of Arbitrators by Board of Trade.

VIII. Where there are to be Two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Companies to supply Vacancies.

IX. When the Reference is made to Two or more Arbitrators, if before the Matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for Seven consecutive Days fails to act as Arbitrator, the Company by which he was appointed shall by Writing under their Common Seal appoint an Arbitrator in his Place.

Appointment of

X. Where the Company by which an Arbitrator ought to be appointed in the Place of the Arbitrator so deceased, incapable,

Arbitrators by Board of Trade to supply Vacancies.

pable, unfit, or failing to act, fail to make the Appointment within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade may appoint an Arbitrator; and the Arbitrator so appointed by the Board of Trade shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrator not revocable.

XI. When any Appointment of an Arbitrator is made, the Company making the Appointment shall have no Power to revoke the Appointment, without the previous Consent in Writing of the other Company, or every other Company in Writing under their Common Seal.

Appointment of Umpire by Arbitrators.

XII. Where Two or more Arbitrators are appointed, they shall, before entering on the Business of the Reference, appoint by Writing under their Hands an impartial and qualified Person to be their Umpire.

Appointment of Umpire by Board of Trade.

XIII. If the Arbitrators do not appoint an Umpire within Seven Days after the Reference is made to the Arbitrators, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply Vacancy.

XIV. Where Two or more Arbitrators are appointed, if before the Matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for Seven consecutive Days fails to act as Umpire, the Arbitrators shall by Writing under their Hands appoint an impartial and qualified Person to be their Umpire in his Place.

Appointment of Umpire by Board of Trade to supply Vacancy.

XV. If the Arbitrators fail to appoint an Umpire within Seven Days after Notice in Writing to them of the Decease, Incapacity, Unfitness, or Failure to act of their Umpire, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have Powers of Predecessors.

XVI. Every Arbitrator appointed in the Place of a preceding Arbitrator, and every Umpire appointed in the Place of a preceding Umpire, shall respectively have the like Powers and Authorities as his respective Predecessor.

Reference to Umpire.

XVII. Where there are Two or more Arbitrators, if they do not, within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Reference is made to the Arbitrators, agree on their Award thereon, then the Matters referred to them, or such of those Matters as are not then determined, shall stand referred to their Umpire.

XVIII. The

Power for Arbitrators, &c. to call for Books, &c., and administer Oath.

XVIII. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the Production of any Documents or Evidence in the Possession or Power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the Matters referred, and may examine the Witnesses of the Companies respectively on Oath, and may administer the requisite Oath; and in *Scotland* may grant Diligence for the Recovery of the Documents or Evidence, and for citing Witnesses, and on Application to the Lord Ordinary he may issue Letters of Supplement or other necessary Writs in support of the Diligence.

Procedure in the Arbitration.

XIX. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Business of the Reference in such Manner as he and they respectively shall think fit.

Arbitration may proceed in Absence of Companies.

XX. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Absence of all or any of the Companies in every Case in which, after giving Notice in that Behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several Awards may be made.

XXI. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several Awards, each on Part of the Matters referred, instead of One Award on all the Matters referred; and every such Award on Part of the Matters shall for such Time as shall be stated in the Award, the same being such as shall have been specified in the Agreement for Arbitration, or in the event of no Time having been so specified, for any Time which the Arbitrator may be legally entitled to fix, be binding as to all the Matters to which it extends, and as if the Matters awarded on were all the Matters referred, and that notwithstanding the other Matters or any of them be not then or thereafter awarded on.

Awards made in due Time to bind all Parties.

XXII. The Award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in Writing under his or their respective Hand or Hands, and ready to be delivered to the Companies within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Matters in difference are referred to (as the Case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend Period for making his Award.

XXIII. Provided always, That (except where and as the Companies otherwise agree) the Umpire, from Time to Time by Writing under his Hand, may extend the Period within which his Award is to be made; and if it be made and ready to be delivered

delivered within the extended Time, it shall be as valid and effectual as if made within the prescribed Period.

Awards not to be set aside for Informality.

XXIV. No Award made on any Arbitration in accordance with this Act shall be set aside for any Irregularity or Informality.

Awards to be obeyed.

XXV. Except only so far as the Companies bound by any Award in accordance with this Act from Time to Time otherwise agree, all Things by every Award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Agreements, Arbitrations, and Awards to have Effect.

XXVI. Full Effect shall be given by all the Superior Courts of Law and Equity in the United Kingdom, according to their respective Jurisdiction, and by the Companies respectively, and otherwise, to all Agreements, References, Arbitrations, and Awards in accordance with this Act; and the Performance or Observance thereof may, where the Courts think fit, be compelled by Distress infinite on the Property of the Companies respectively, or by any other Process against the Companies respectively or their respective Property, that the Courts or any Judge thereof shall direct, and where requisite frame for the Purpose.

Costs of Arbitration and Award.

XXVII. Except where and as the Companies otherwise agree, the Costs of and attending the Arbitration and the Award shall be in the Discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of Costs.

XXVIII. Except where and as the Companies otherwise agree, and if and so far as the Award does not otherwise determine, the Costs of and attending the Arbitration and the Award shall be borne and paid by the Companies in equal Shares, and in other respects the Companies shall bear their own respective Costs.

Submission to Arbitration to be made a Rule of Court.

XXIX. The Submission to any Arbitration in accordance with this Act may at any Time be made a Rule of any of Her Majesty's Superior Courts of Record at *Westminster*, or, as the Case may be, at *Dublin*, on the Application of any Party interested; and the Court may remit the Matter to the Arbitrator, or to the Arbitrators, or to the Umpire, with any Directions the Court think fit.

CAP. LX.

An Act to extend the Powers of an Act passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and eleven, relating to the laying down of Railways at Holyhead *Harbour.*—[13*th* August 1859.]

CAP. LXI.

An Act to make further Provision concerning the Court for Divorce and Matrimonial Causes.—[13*th* August 1859.]

CAP. LXII.

An Act to amend the Irish *Bankruptcy and Insolvency Act* (1857).—[13*th* August 1859.]

CAP. LXIII.

An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof.—[13*th* August 1859.]

WHEREAS great Improvement in the Administration of the Law would ensue if Facilities were afforded for more certainly ascertaining the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

present Parliament assembled, and by the Authority of the same, as follows:

Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.

I. If in any Action depending in any Court within Her Majesty's Dominions, it shall be the Opinion of such Court, that it is necessary or expedient for the proper Disposal of such Action to ascertain the Law applicable to the Facts of the Case as administered in any other Part of Her Majesty's Dominions on any Point on which the Law of such other Part of Her Majesty's Dominions is different from that in which the Court is situate, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts, as these may be ascertained by Verdict of a Jury or other Mode competent, or may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing, and upon such Case being approved of by such Court or a Judge thereof, they shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to the Court in such other Part of Her Majesty's Dominions, being One of the Superior Courts thereof, whose Opinion is desired upon the Law administered by them as applicable to the Facts set forth in such Case, and desiring them to pronounce their Opinion on the Questions submitted to them in the Terms of the Act; and it shall be competent to any of the Parties to the Action to present a Petition to the Court whose Opinion is to be obtained, praying such last-mentioned Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall, if they think fit, appoint an early Day for hearing Parties or their Counsel on such Case, and shall thereafter pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper.

Opinion to be authenticated and certified Copy given.

II. Upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required, and shall be deemed and held to contain a correct Record of such Opinion.

Opinion to be applied by the

III. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with an Officer of the Court in which

which the Action may be depending, who may have the official Charge thereof, together with a Notice of Motion, setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case hereinbefore specified, and the said Court shall thereupon apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as Evidence, or conclusive Evidence as the Court may think fit, of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury. Court making the Remit.

IV. In the event of an Appeal to Her Majesty in Council or to the House of Lords in any such Action, it shall be competent to bring under the Review of Her Majesty in Council or of the House of Lords the Opinion pronounced as aforesaid by any Court whose Judgments are reviewable by Her Majesty in Council or by the House of Lords, and Her Majesty in Council or that House may respectively adopt or reject such Opinion of any Court whose Judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in Law. Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.

V. In the Construction of this Act, the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls or any Vice Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein. Interpretation of Terms.

CAP. LXIV.

An Act to remove Doubts as to the Validity of certain Marriages of British *Subjects at* Lisbon.—[13*th* August 1859.]

CAP. LXV.

An Act for amending the Acts for the better Regulation of Divisions in the several Counties of England *and* Wales.—[13*th* August 1859.]

CAP. LXVI.

An Act for regulating Measures used in Sales of Gas.—[13*th* August 1859.]

WHEREAS it is expedient that the Measurement used in Sales of Gas for Lighting, Heating, and other Purposes should be hereafter regulated by One uniform Standard, and that all Meters should be stamped as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Words "Meter" and "Person."

I. In construing this Act the Word "Meter" shall mean Gas Meter, and shall include every Kind of Machine used for measuring Gas; and the Word "Person" shall include Corporations.

Fixing Unit of Measure.

II. After the passing of this Act the only legal Standard or Unit of Measure for the Sale of Gas by Meter shall be the Cubic Foot containing 62·321 Pounds Avoirdupois Weight of distilled or Rain Water weighed in Air at the Temperature of Sixty-two Degrees of Fahrenheit's Thermometer, the Barometer being at Thirty Inches, except as relates to Contracts made before the passing of this Act by which a different Unit of Measure is adopted, which Contracts may not be renewed.

Models of Measures to be made and verified under the Direction of the Treasury.

III. Within Three Months next after the passing of this Act Models of Gasholders measuring the said Cubic Foot, and such Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom for the Time being shall judge expedient, and from Time to Time after the Expiration of the aforesaid Period of Three Months Models of such further Multiples and Decimal Parts of the said Cubic Foot as the Lord High

High Treasurer or the said Commissioners shall from Time to Time think expedient, shall be carefully made, with proper Balances, Indices, and Apparatus, for testing the Measurement and Registration of Meters, and such Models shall be verified under the Direction of the Lord High Treasurer or the said Commissioners, and when so made and verified shall be deposited in the Office of the Comptroller General of the Exchequer at *Westminster;* and Copies of the Models so from Time to Time deposited, verified as aforesaid, shall be sent to the Lord Mayor of *London*, and the Chief Magistrate of *Edinburgh* and *Dublin*, and to the Chief Magistrate of such other Cities and Boroughs, and to such other Places and Persons in Her Majesty's Dominions, as the said Lord High Treasurer or the aforesaid Commissioners may from Time to Time direct; and the said Lord High Treasurer or the said Commissioners shall appoint a competent Person or Persons to design and make, subject to the Approval and by Direction of such Lord High Treasurer or the said Commissioners, Stamps of a uniform Design to be used for stamping Meters throughout the United Kingdom, with only such Variations of Numbers or Marks thereon as shall be sufficient to distinguish each Inspector's District.

Models to be deposited.

IV. In *England* at some General or Quarter Sessions of the Peace within Nine Months next after the passing of this Act the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in such Boroughs as may adopt this Act, as herein-after provided, the Town Council at the Meeting next after such Adoption, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Nine Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions or Meeting so called, shall determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time

Copies of the Models of Gasholder to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland.

Appointment of Inspectors.

Time to Time, when necessary, shall subdivide and re-allot such Districts, and all such Districts shall be distinguished by the Number or Mark applied thereto on such Stamps, and they shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Town Council or Magistrates as aforesaid to perform, and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Town Council in *England* or Royal Burgh of *Scotland*, except such as are County Towns, wherein Gas is used, to provide Copies of the said Models and Stamps, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expense Copies of the said Models and Stamps to be used within such united Districts: Provided always, that in every Borough in *England* where there is a Town Council, not being a Manufacturer or Seller of Gas, it shall be lawful for such Town Council within Six Months after the passing of this Act, after One Month's Notice duly given in the Manner in which Notices are usually published by such Town Council, to adopt this Act, if the Majority of the Members present at any Council Meeting at which the Subject is appointed to be considered shall so determine; and if no Resolution to that Effect shall be passed within such Time, then the Justices aforesaid, at their next practicable General or Quarter Sessions after the Expiration of such Six Months, shall in reference to any Borough not so adopting this Act carry this Act into effect; and in all Boroughs as aforesaid in which the Town Council is a Manufacturer or Seller of Gas, the Justices of such Boroughs shall have such and the like Powers of adopting and carrying into effect the Provisions of this Act within such Boroughs as by this Act are given to Town Councils not being Manufacturers or Sellers of Gas.

Models and Copies of Gas-holders to be provided by Town Councils,

V. In *Ireland* the Town Council or Town Commissioners of every Borough and Town, such Town Council or Commissioners not being Manufacturers or Sellers of Gas, shall at a Meeting of the Town Council or Commissioners to be held within Nine Months after the passing of this Act, and so from Time to Time at any subsequent Meeting, determine the Number

Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their Towns or Boroughs respectively, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and shall direct what reasonable Remuneration shall be paid to such Inspectors, and they are hereby empowered to suspend or dismiss any Inspector so appointed, or to appoint additional Inspectors from Time to Time as Occasion may require; and in all Boroughs and Towns in which the Town Council or Town Commissioners shall be Manufacturers or Sellers of Gas, the Justices of such Boroughs and the Grand Jury of the County in which such Boroughs or Towns not having a separate Commission of the Peace shall be situate respectively shall have such and the like Powers as by this Act are given to the Town Council and Town Commissioners not being Manufacturers or Sellers of Gas for carrying into effect the Provisions of this Act within such Boroughs and Towns: Provided always, that the Jurisdictions of such Town Council and Town Commissioners, Justices, and Grand Juries respectively shall extend to all Meters out of such Boroughs or Towns for measuring Gas manufactured at any Gasworks by which any such Borough or Town shall be supplied with Gas.

Town Commissioners, &c., and Inspectors appointed.

VI. The Copies of the said Models so directed by the said Justices, Magistrates, or Town Council to be verified and stamped at the Exchequer shall be compared with the Models deposited with the Comptroller General of the Exchequer as aforesaid, and if correct shall be verified and stamped by the Comptroller General, or some other Officer of the Exchequer at *Westminster*, duly authorized, upon Payment of such Fees as are at present payable upon Verification and stamping a Set of Measures under the Acts relating to Weights and Measures, and no Stamp Duty shall be payable thereon.

Officers of the Exchequer at Westminster to stamp Copies of Models.

VII. The Expense of providing and transmitting such Copies of Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, and of the Stamp to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings,

Expense of providing Copies of Models and Remuneration of In-

Expenses defrayed out of County Rates, &c.

ings, Divisions, Counties of Cities or Counties of Towns, and in Boroughs out of any Funds applicable to Lighting Purposes, and if no such Funds then out of the Borough Fund; and in *Scotland* such Expenses in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, according to the Real Rent of Lands and Heritages as appearing on the Valuation Roll of such Shires, Stewartries, and Burghs respectively, and in such Manner and by such Persons as the said Commissioners of Supply and Magistrates respectively may determine and appoint, and such Assessments shall be collected under the same Powers of levying and Recovery as are competent for levying and recovering the Land Tax: Provided always, that in the City of *London* the Expenses and Remuneration aforesaid shall be paid out of the Consolidated Rate raised by the Commissioners of Sewers of the City of *London*, and in *Ireland* such Expenses in the respective Boroughs and Towns shall be provided for and paid respectively out of any Funds applicable to Lighting Purposes, and if no such Fund then out of any other Borough or Town Fund.

No Maker or Seller of Meter, or Person in the Service of any Gas Company or Manufacturer of Meters or Gas, to be an Inspector.

VIII. No Maker, Repairer, or Seller of Meters or of Gas, or Person employed in the making, repairing, or selling of Meters or Gas, shall be an Inspector of Meters under the Provisions of this Act; and every Inspector shall forthwith enter into a Bond or Recognizance to the Queen, to be sued for in any Courts of Record, in such Sum, and either with or without a Surety or Sureties, as the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed shall fix, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment at such Time or Times as he may be directed by the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the said Copies of Models and Stamps committed to his Charge, and for their due Restoration and Surrender to such Person or Persons, as may be appointed to receive them by the Justices, Magistrates, Town Council, or other Persons aforesaid immediately on his Removal or other Cessation from Office.

Inspector to enter into Recognizances.

Inspectors to attend at Towns where Gas is consumed,

IX. In *England* the Justices in General or Quarter Sessions assembled, or the Town Council in Boroughs adopting this Act at any Meeting thereof, and in *Scotland* the Justices or Magistrates at a Meeting called for the Purpose, and in *Ireland* the Town Council or Town Commissioners of any such Borough or

or Town as aforesaid, shall determine and appoint on what Days, at what Hours, and what Places each and every Inspector shall attend with the said Copies of Models and Stamps in his Custody at each of the several Towns and Districts within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, test, and, if found correct, stamp all such Meters as shall be required under the Provisions of this Act to be so examined, tested, and stamped, and shall deface or destroy the Stamp on any Meter tested and found incorrect under the Provisions of this Act, and he shall keep a Book wherein he shall enter Minutes of all such Examinations and Testings, with the Numbers of Identity and Capacity marked by the Manufacturer on such Meters, and give, if required, a Certificate under his Hand of every such Stamping and Defacing; and every Inspector shall once in every Quarter of a Year account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or Borough or Town, or to such other Person as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer as aforesaid, who shall account for the same.

when required by Justices.

Inspector to pay Fees to Treasurer of County, &c.

X. No Meter duly stamped under the Authority of this Act shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Meter throughout the United Kingdom, unless found to be incorrect within the Meaning of this Act.

Meters when stamped need not be re-stamped.

XI. In case any Inspector of Meters shall stamp any Meter without duly testing and finding the same to be correct, or shall refuse, or for Three Days after being so required under the Provisions of this Act neglect, without lawful Excuse, to test any Meter or to stamp any Meter found to be correct on being so tested, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall upon Conviction forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on Inspector for Misconduct.

XII. No Meter shall be stamped which shall be found by the Inspector to register, or be capable of being made by any Contrivance for that Purpose, or by Increase or by Decrease of the Water in such Meter, or by any other Means practically prevented in good Meters, to register, Quantities varying from the true Standard Measure of Gas more than Two *per Centum* in favour of the Seller or Three *per Centum* in favour of the Consumer; and every Meter, whether stamped or unstamped, which

Meters not to be stamped if more than Two per Cent. incorrect in favour of the Buyer or Three per Cent.

in favour of the Seller, and to be stamped if erroneous to no greater Extent.

which shall be found by such Inspector to register or be so capable of being made to register Quantities varying beyond the Limits aforesaid, shall be deemed incorrect within the Meaning of this Act; and every Meter which shall be found by such Inspector to measure and register Quantities accurately, or not varying beyond the Limits aforesaid, and shall be found incapable by any such Means as aforesaid of being made to register Quantities varying beyond the Limits aforesaid, shall be considered to be correct, and be stamped as aforesaid in such Manner and on such Part of the Meter as shall be specially directed by the Authority appointing him, or in default of such Direction as shall in his Opinion best prevent Fraud: Provided always, that every Meter having a measuring Capacity at One Revolution or complete Action of the Meter of not less than Five Cubic Feet, and having permanently marked upon it in some conspicuous Place the Words "without Float," shall be stamped by the Inspectors, if found correct, within the Meaning of this Act, in all other respects except that it is capable of being made by Abstraction of Water to register incorrectly against the Seller of Gas, but it shall not be lawful after the Time aforesaid to use in the Sale of Gas any such Meter, when so stamped by the Inspector, except by written Agreement between the Buyer and Seller specifying that this Description of Meter shall be used.

Certain Meters incorrect against the Seller of Gas may be used by Agreement.

Rules for testing Meters.

XIII. The following Rules shall be observed by the Inspector in testing Meters under the Provisions of this Act:

Firstly, the Meter shall be tested for Soundness or Leakage only, and not for Per-centage of Error, when fixed on a horizontal Base, and with Gas under a Pressure equal to a Column of Water Three Inches high, with a Light or Lights consuming not more than One Twentieth Part of its measuring Capacity *per* Hour marked thereon, nor less than One Half of a Cubic Foot *per* Hour, for all Meters of a measuring Capacity not exceeding One hundred Cubic Feet *per* Hour, and not more than One Fortieth Part of its said measuring Capacity *per* Hour for all Meters of any greater measuring Capacity *per* Hour than One hundred Cubic Feet; and all Meters found to work under such Test shall be deemed sound Meters, and any Meter found not to work under such Test shall not be stamped:

The Meter to be tested for Per-centage of Error shall be fixed on a horizontal Base, and shall be tested at a Pressure equal to a Column of Water Five Tenths of an Inch high, and passing the Quantity of Gas or Atmospheric Air *per* Hour which shall be marked thereon as its measuring Capacity *per* Hour, and the Water used in such Testing, and the Air of the Room

Room in which such Testing shall be made, shall be as nearly as practicable of the same Temperature as the Gas or Air passed through the Meter.

Penalty for counterfeiting Stamps.

XIV. If any Person or Persons shall make, except under the Authority of this Act, or forge or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting, any Stamp or Mark which may be hereafter used for the stamping or marking of any Meter under this Act, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, or dispose of, let, lend, or expose to Sale, any Meter with such forged Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Ten Pounds or less than Forty Shillings, and all Meters with such forged or counterfeited Stamps shall be forfeited and destroyed.

Penalty for obstructing Inspector.

XV. Any Person who shall knowingly repair or alter, or knowingly cause to be repaired or altered, or knowingly tamper with, or do any other Act in relation to any stamped Meter so as to cause such Meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful Access to any Meter in his Possession or Control, or the Supply of Water thereto as herein-after provided, or shall obstruct or hinder any Examination or Testing authorized by this Act of any such Meter, shall on Conviction forfeit a Sum not exceeding Five Pounds, pay the Fees for removing and testing, and the Expense of purchasing and fixing a new Meter; provided that the Payment of any such Penalty as aforesaid shall not exempt the Person paying from Liability to Indictment or other Proceeding at Law to which he would otherwise be liable, or deprive any Person of the Right to recover Damages against such Person for any Loss or Injury sustained by such Act or Default.

Consumers may use any stamped Meter.

XVI. Every Consumer of Gas may purchase and use for the Measurement of the Gas supplied to him any Meter duly stamped under the Authority of this Act, provided that the Gas to be consumed *per* Hour shall not exceed the Quantity *per* Hour the Meter is intended to measure, so marked on the Outside thereof as aforesaid.

After Ten Years all Meters to be stamped.

XVII. After the Expiration of Ten Years from the passing of this Act all Meters whatsoever not previously stamped which shall be used for buying and selling Gas, or for the collecting of any Rates or Duties, or for making any Charges on the Passage, Transmission, or Conveyance of Gas, shall be examined

mined and tested under the Authority of this Act, and stamped if found correct; and every Person who shall after the Times respectively fixed by this Act knowingly use any Meter which has not been so stamped as aforesaid shall on Conviction forfeit a Sum not exceeding Five Pounds, and any Contract, Bargain, or Sale made by any such Meter shall be void; and every such Meter so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person knowingly using or possessing the same, shall be forfeited and destroyed.

After Twelve Months no Meter to be sold, &c. unless stamped; and unstamped Meters may be stamped if required, or stamped Meters substituted, at the Expense of the Person requiring it.

XVIII. No Meter for the Purpose of ascertaining the Quantity of Gas sold shall be fixed for Use after the Expiration of Twelve Months after the passing of this Act, unless the same shall have its measuring Capacity at One Revolution or complete Action of the Meter, and also the Quantity *per* Hour it is intended to measure in Cubic Feet, or Multiples or Decimal Parts of a Cubic Foot, denominated or marked on the Outside thereof in legible Letters or Figures, and shall be stamped by an Inspector of Meters under the Provisions of this Act; and every Person who after the Expiration of such Twelve Months shall fix for Use any such Meter before it has been so stamped shall be liable to a Penalty of Five Pounds for every such unstamped Meter; and all Meters required to be tested and stamped, except as herein-after mentioned, shall be delivered to the Inspector at the Place where his testing Gasholder and Apparatus may be kept; and every Purchaser and Seller of Gas by Meter may, at his own Expense, at any Time after the Expiration of the said Twelve Months, require any unstamped Meter by which his Gas is measured to be examined, tested, and, if found correct, stamped, or he may at his own Expense substitute a stamped Meter in the Place of any such unstamped Meter: Provided always, that such Purchaser or Seller of Gas shall before Removal of any such unstamped Meter for the Purposes aforesaid give Twenty-four Hours Notice in Writing of such intended Removal to the other Party to the Contract.

Fees for testing and stamping Meters.

XIX. The Fees for Examination, Comparison, and Testing, with or without stamping, Meters, shall be Sixpence for each Meter delivering a Cubic Foot of Gas in Four or more Revolutions or complete Repetitions of the Action of the Meter, and One Shilling for each Meter delivering a Cubic Foot of Gas by any less Number of Revolutions or complete Actions, or One Revolution or complete Action, and for each Meter delivering more than One Cubic Foot of Gas by One Revolution or complete Action the further Sum of One Shilling for every Cubic Foot of Gas delivered at One Revolution or complete Action beyond the First Cubic Foot.

XX. In

Power to Justices and Inspectors to enter Houses, &c., and inspect Gas Measures and Meters.

XX. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* it shall be lawful for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* or *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at the Request and Expense of any Buyer or Seller of Gas, who shall have given Twenty-four Hours Notice in Writing to the other Party to the Contract, at all seasonable Times to enter any House or Shop, Store, Warehouse, Still, Yard, or Place whatsoever within his Jurisdiction where any Meter, whether stamped or unstamped, shall be fixed or used, and to examine and test the same, and if necessary for such Purpose to remove such Meter, doing as little Damage thereby as may be; and if upon such Examination and Testing it shall appear that any such Meter is incorrect within the Meaning of this Act, or fraudulent, the same shall not be refixed or used again unless and until altered and repaired so as to measure and register correctly, and stamped; and the Fees on such Removal, Examination, and Testing of a Meter, whether stamped and replaced or not, shall be double the Fees herein-before made payable for testing and stamping, and shall be payable by the Buyer or Seller of Gas as the Justice of the Peace in *England* or *Ireland*, or the Sheriff, Justice, or Magistrate in *Scotland*, as the Case may be, shall determine, and shall be recoverable accordingly: Provided always, that in case the Head Office of the Person or Company to whom such Notice is to be given shall be more than Twenty Miles distant from the Meter referred to in such Notice, Three Days Notice in Writing shall be given instead of Twenty-four Hours Notice as aforesaid; and provided also, that any Person duly authorized by any Company or Persons selling Gas by Meter may supply Water to any Meter, so as to keep the Water at the correct Level.

Disputed Decision of Inspector to be referred to Two Inspectors of adjoining Districts, &c.

XXI. In case of any Dispute between the Buyer and Seller of Gas by Meter, or between any Owner of a Meter and any Inspector of Meters under this Act, respecting the Correctness of any Meter, the Inspector shall, if required by any such Person dissatisfied with his Decision, give such Party his Reasons in Writing for such Decision, and such Party may require such Meter to be examined and re-tested by Two Inspectors of adjoining or neighbouring Districts, to be named by any Justice of the Peace having Jurisdiction in the District where such Meter shall have been tested; and the unanimous Decision of such last-mentioned Inspectors shall be final as to the Correctness or Incorrectness of such Meter, except in case of Appeal to the General or Quarter Sessions; and in case such Two Inspectors shall not agree, the Decision of the Inspector of the

the District to which such Meter belongs shall be considered final, except in case of Appeal to the General or Quarter Sessions, as herein-after provided; and the Expenses of the Proceedings to be taken under the Powers hereby granted shall be ascertained by the Justice, who shall also determine by and to whom the same shall be paid, and such Expenses may be recovered in any Court of competent Jurisdiction.

Persons aggrieved may appeal to Quarter Sessions.

XXII. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Persons who may think themselves aggrieved by any Act or Decision of any Inspector or Inspectors of Meters, or by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may appeal to the Justices of the Peace, Recorder, or other presiding Officer at the then next practicable General or Quarter Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices, Recorder, or other presiding Officer shall either hear and determine the said Complaints at such General or Quarter Sessions, or, if they think proper, shall adjourn the Hearing thereof till the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices, Recorder, or other presiding Officer may, if they or he see cause, reverse or alter such Decision, and mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they or he shall judge reasonable, and may also order such Costs to be paid by the Party complained against to the Party appealing, or *vice versâ*, as they shall think reasonable.

This Act and existing Powers not to be cumulative.

XXIII. Where any Municipal Corporation, Local Board of Health, or Two or more Justices, or any other Corporation or Person now have Powers of appointing Inspectors of Meters, and they or such Inspectors now have Powers of stamping, re-stamping, examining, or testing Meters, those Powers and the Provisions of this Act shall not be cumulative, but after the Expiration of Nine Months after the passing of this Act the Provisions of this Act shall supersede all such Powers.

XXIV. No

XXIV. No Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for want of Form or removed.

XXV. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Fees and Penalties received and recovered under this Act shall be applied in aid of the Stock or Fund out of which the Expenses of carrying the Act into effect shall be defrayed, and in *Scotland* all Penalties incurred under the Provisions of this Act shall be recoverable, with Expenses, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges, and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the said Models in the Place where such Penalties shall be awarded; and it is hereby provided that it shall be competent for the said Courts respectively to proceed in a summary Way and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expenses decerned for, failing Payment within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced. As to Recovery and Application of Penalties.

XXVI. In *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in* Scotland, with this Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expenses awarded against him or them by the Sentence or Sentences appealed from in the event of the Appeal or Appeals being dismissed, together with any additional Expenses which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or any other Way than as herein provided.

Limitation of Actions, &c.

XXVII. In all Actions brought against any Person for anything done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall be laid and brought in the County within which the Cause of Action shall have arisen, and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

XXVIII. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

APPENDIX.

Cap. lxx.

An Act to amend "The Tweed *Fisheries Act* 1857," *and to alter the Annual Close Times in the River* Tweed.—[1*st* August 1859.]

WHEREAS an Act was passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon and the Regulation of the Fisheries in the River* Tweed: And whereas it is expedient and would be for the Advantage of the Salmon Fisheries in the said River that the Annual Close Times defined by the said Act should be altered, and that the Limits of the Mouth or Entrance of the said River should be extended, and that further Provision should be made for the Regulation of the Fisheries in the said River and within the said extended Limits; but these Objects cannot be effected without the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 20 & 21 Vict. c. cxlviii.

I. This Act may be cited for all Purposes as "The *Tweed* Fisheries Amendment Act, 1859." Short Title.

II. The Expression "the River" in the recited Act and this Act shall mean and include the River *Tweed,* and every River, Brook, or Stream which flows or runs into the said River, and also the Mouth or Entrance of the said River, as described and defined in this Act; and the several other Words and Expressions interpreted in the Second Section of the recited Act shall, when used in this Act, have the same Meanings as are by the recited Act assigned to them respectively. Interpretation of Terms.

[*Local.*]

III. From

Certain Sections of 20 & 21 Vict. c. cxlviii. repealed.

III. From and after the Fifth Day of *October* One thousand eight hundred and fifty-nine, the Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-sixth, Forty-seventh, Sixty-seventh, and Seventy-first Sections of the recited Act shall be and are hereby repealed, and this Act shall commence and take effect: Provided always, that the recited Act, except in so far as expressly repealed by this Act, shall be and remain in full Force and as valid and effectual as if this Act had not been passed; provided also, that, notwithstanding such Repeal, all Penalties in respect of Acts done before the Commencement of this Act may be enforced, and all Proceedings instituted before and pending at the Commencement of this Act may be continued and prosecuted, and all Resolutions duly made and Acts duly done under the Authority of the said repealed Enactments shall be and remain valid and effectual, to all Intents and Purposes as if this Act had not been passed; provided further, that the Forty-first Section of the recited Act shall, notwithstanding such Repeal, be read and continued as an operative Definition for the Purpose of distinguishing the Limits of the Mouth or Entrance of the River *Tweed* as defined by the recited Act and the extended Limits defined by this Act, and for such Purpose only.

Extension of Limits of the Mouth or Entrance of the River Tweed.

IV. For the Purposes of the recited Act and this Act, and subject as herein-after provided, the Limits of the Mouth or Entrance of the River *Tweed* shall be deemed to extend and shall extend from the Pier called *Queen Elizabeth*'s Pier, along the Sea Coast on the South Side of the said Pier to a Point at High-water Mark on the said Sea Coast on the South Side distant Seven Miles measured in a straight Line from the Lighthouse on the said Pier, and along the Sea Coast on the North Side of the said Pier to the Point of Boundary at High-water Mark between the Borough of *Berwick-on-Tweed* and the Kingdom of *Scotland*, and shall also extend Five Miles in front of the Mouth of the said River and of the whole Line of Sea Coast within the Points of Boundary herein-before mentioned into the Sea, such distance towards the Sea to be computed by Lines drawn at Right Angles to a Line drawn between the said Northern and Southern Extremities; and the said Limits on the South shall be deemed to include and shall include the Fishery now known as the *Holy Island* Station of the *Goswick* Fisheries.

Assessment and Regulation of Fisheries within the Limits of the Mouth

V. The Rates or Assessments by the recited Act authorized to be levied shall be leviable on and in respect of all Salmon Fisheries within the Limits of the Mouth or Entrance of the River *Tweed* as above defined, and shall be payable by and recoverable from the Owners, Tenants, or Occupiers of such Fisheries in manner provided by the recited Act; and the

the whole Enactments and Provisions of the recited Act (so far as not hereby repealed) and of this Act, except as herein-after provided, shall extend and be applicable to the Mouth or Entrance of the said River within the Limits above defined: Provided always, that the Provisions of the Fifty-fifth and Sixtieth Sections of the recited Act shall not be applicable to any Stake Net or Bag Net which may be set or placed beyond the Limits of the Mouth or Entrance of the said River, as defined by the Forty-first Section of the recited Act, and within the extended Limits defined by this Act; provided also, that the Rates or Assessments to be levied on and in respect of the Fisheries situated beyond the Limits as defined in the recited Act, and within the said extended Limits, shall not be applied in or towards the Payment or Discharge of any Debts or Obligations contracted by the Commissioners previous to the passing of this Act. Or Entrance as extended.

VI. It shall not be lawful for any Person to fish for or take or aid or assist in fishing for or taking any Salmon in or from the River at any Time between the Fourteenth Day of *September* in any Year and the Fifteenth Day of *February* in the Year following, except by means of the Rod and Line with the artificial Fly only, nor with the Rod and Line at any Time between the Thirtieth Day of *November* in any Year and the First Day of *February* in the Year following, and which respective Periods above defined shall be and be held to be the "Annual Close Times," within the Meaning of the recited Act and this Act; provided that the Commissioners or any Five of their Number may, by Writing under their Hands or under the Hand of their Clerk, authorize any Persons appointed by them to fish for and take Salmon in or from the River, with the Consent of the Owner of the Fishery from which such Salmon are taken, during the Annual Close Times, for the Purpose of artificial Propagation. Annual Close Times.

VII. It shall not be lawful for any Person, between the Fifteenth Day of *February* and the Fourteenth Day of *September* in any Year, to fish for or take or aid or assist in fishing for or taking any Salmon in or from the River at any Time or in any Way whatsoever, except by means of the Rod and Line, or by means of Stake Nets and Bag Nets, as herein-after provided, between Six of the Clock on *Saturday* Afternoon and Six of the Clock on the following *Monday* Morning; and it shall not be lawful to fish for or take or aid or assist in fishing for or taking any Salmon in or by means of any Stake Net or Bag Net set or placed as provided for by the Twelfth Section of this Act at any Time between the Low Water next in point of Time before Six of the Clock on *Saturday* Afternoon and the Low Water next in point of Time before Six of the Clock on the following Weekly Close Time.

following *Monday* Morning; and which respective Periods above defined shall be and be held to be the "Weekly Close Times," within the Meaning of the recited Act and this Act.

Penalty for fishing in Annual or Weekly Close Times.

VIII. Every Person who during the Annual Close Times or Weekly Close Times fishes for or takes or aids or assists in fishing for or taking any Salmon in or from the River, excepting as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon so taken; and every Salmon so taken, and every Boat, Net, Tackle, or Engine by which such Salmon has been taken or attempted to be taken, may be seized and forfeited.

Provisions of recited Act applicable to Annual and Weekly Close Times.

IX. The whole Enactments and Provisions of the recited Act with respect to the Annual Close Times and Weekly Close Time therein defined (so far as not hereby repealed) shall be and are hereby made applicable to the Annual Close Times and Weekly close Times respectively defined by this Act.

Penalty for having or selling Fish caught in Annual Close Times.

X. Every Person who during the Annual Close Times has in his Possession Salmon known by such Person to have been taken or caught in the River during the Annual Close Times (except Salmon which have been taken by means of the Rod and Line between the Fifteenth Day of *September* and the Thirtieth Day of *November*, both Days inclusive, or between the First and Fourteenth Days of *February*, both Days inclusive, or which have been taken for the Purpose of artificial Propagation, under the Authority of the Commissioners, as herein-before provided), or who sells or offers or exposes for Sale or Exchange any Salmon known by such Person to have been caught in the River between the Fifteenth Day of *September* in any Year and the Fourteenth Day of *February* in the Year following, both Days inclusive, shall for every such Offence be liable to a Penalty of not less than Ten Shillings and not exceeding Two Pounds for each Salmon so had in his Possession, or sold or offered or exposed for Sale or Exchange as aforesaid, and every such Salmon, and every Boat, Cart, Basket, or Package in which the same may be found, may be seized and forfeited; and the Proof that such Salmon was not taken contrary to the Provisions of this Act shall lie upon the Person in whose Custody the same is found.

Removal of Boats and Nets used in fishing.

XI. On or before the Seventeenth Day of *September* in every Year, every Occupier of a Fishery in the River shall and he is hereby required to remove from every Fishery, Fishing Shield, and Fishing Ground, and Houses and Premises occupied or used by him, all Boats, Oars, Nets, Engines, and other Tackle used and employed in taking and killing Salmon (excepting Boats with their Oars and such other Implements as are used for Angling or Rod-fishing), and to carry away the same

same to some Place or Places to be from Time to Time appointed by the Commissioners, where the same can be securely lodged and kept until the Thirteenth Day of *February* in the following Year; and each Boat with its Oars and other Implements as aforesaid so retained for the Purpose of Angling or Rod-fishing shall be removed or carried away on or before the Third Day of *December* in every Year, and shall be lodged and kept and remain as aforesaid until the Thirtieth Day of *January* in the following Year; and every such Occupier who neglects or refuses to remove and carry away all and every such Boats, Oars, Nets, Engines, and other Tackle as aforesaid, and to keep the same secured from the said Fisheries and Premises during the Period aforesaid, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and all such Boats, Oars, Nets, Engines, and other Tackle not removed or kept secured as aforesaid shall be forfeited: Provided always, that this Enactment shall not be held or construed to extend to public Ferry Boats, or to Boats used by any Owner or Occupier of Land adjoining the River solely for the Transport of himself, or his Family or Servants, or any Persons in his Employment; provided also, that all such last-mentioned Boats shall be under and subject to the Regulations prescribed in the recited Act with respect thereto; provided further, that this Enactment, so far as it requires Nets to be carried away to some Place or Places to be appointed by the Commissioners, shall not apply to the Stake Nets or Bag Nets to be set or placed as provided for by the Twelfth Section of this Act, but that all such Nets shall, on or before the Seventeenth Day of *September* in every Year, be removed and carried away from the said Fisheries and from the Strand or Shore, and kept in such Places as may be provided by the Owners of such Nets.

Regulating Stake and Bag Nets.

XII. All Stake Nets and Bag Nets set or placed beyond the Limits of the Mouth or Entrance of the said River, as defined by the Forty-first Section of the recited Act and within the extended Limits defined by this Act, shall be subject to the following Provisions and Regulations:

The Nets used in the Formation and Construction of such Stake Nets and of the Leaders of such Bag Nets shall be extended evenly in such Manner that the Meshes of such Nets shall be stretched to their full Opening:

Every such Stake Net shall be so placed and constructed as that clear Openings for the free Passage of Salmon, as herein-after provided, can be made in the Traps or Chambers thereof:

In every such Stake Net there shall be made, and kept free from Obstruction during the whole Period of the Weekly Close Time, a clear Opening of at least Three Feet in Width

Width in the Traps or Chambers of such Stake Net from the Bottom to the Top thereof, so as effectually to allow of the free Passage of Salmon through such Traps or Chambers during the whole Period of the Weekly Close Time:

Every such Bag Net shall be so placed and constructed as that the Netting of the Leaders thereof can be raised and kept out of the Water:

The Netting of the Leader of every such Bag Net shall during the whole Period of the Weekly Close Time be raised and kept out of the Water:

And every Person committing any Breach or Contravention of the said Provisions and Regulations shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon taken in or by means of any Bag or Stake Nets set, placed, or used contrary to the said Provisions and Regulations, and shall also forfeit any Salmon so taken, and every Bag or Stake Net so set, placed, or used; provided that nothing herein contained shall be construed to render liable to any Penalty or Forfeiture any Person who shall be prevented by Storm or Stress of Weather from making such Openings in Stake Nets, or removing such Leaders of Bag Nets as aforesaid, or from removing such Stake Nets or Bag Nets at the Commencement of the Annual Close Time, in respect of any such Act or Omission while he shall be so prevented.

Regulating Size of Meshes of Nets.

XIII. From and after the Fifteenth Day of *February* One thousand eight hundred and sixty it shall not be lawful to shoot, draw, or use in the River any Net of which the Meshes shall be less than One Inch and Three Quarters of an Inch from Knot to Knot, or Seven Inches round (except Nets which shall be used solely for the taking of Herrings or Shrimps, and Nets which shall be used solely for the Purpose of landing Fish taken with the Rod and Line); and every Person who shoots, draws, or uses in the River, or has in his Possession within Five Miles of the River, any Net adapted for taking or killing Fish with Meshes of smaller Dimensions than those above specified (except as aforesaid), or shoots, draws, or uses any double Net, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon taken by means of such illegal Net or double Net, and every such illegal Net and every Salmon so taken may be seized and forfeited.

Penalty for using or having Pout Nets or Rake Hooks.

XIV. Every Person who at any Time takes or kills or attempts to take or kill Salmon in or from the River by means of any Pout Net, Rake Hook, or similar Engine of the Description of those used for killing Salmon, or who has in his Possession

sion within Five Miles from the River any such Pout Net, Rake Hook, or similar Engine, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and an additional Penalty of Ten Shillings for each Salmon so taken; and every such Pout Net, Rake Hook, or similar Engine, and every Salmon so taken, may be seized and forfeited; provided that nothing in this Section contained shall apply to any Scoop Net or other similar Implement used solely for the Purpose of taking Fish out of the Chambers of the Stake Nets or Bag Nets within the extended Limits of this Act.

Penalty on Persons fishing who are not entitled.

XV. Every Person, not being an Owner or Occupier of a Fishery in the River, or otherwise entitled to fish for Salmon therein, who, at any Time between the First Day of *February* and the Thirtieth Day of *November* in any Year, fishes for or takes or aids or assists in fishing for or taking Salmon in or from the River, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon so taken or killed, and every Salmon so taken, and every Boat, Net, Rod, Engine, or Tackle used in such Fishing, or by means of which any Salmon has been taken or attempted to be taken, may be seized and forfeited.

Cleeks not to be used in landing Fish.

XVI. Every Person who shall between the Fifteenth Day of *September* in any Year and the First Day of *May* in the Year following, in fishing with a Rod and Line, use any Cleek or Instrument for landing Fish other than a Landing Net, shall be liable to a Penalty not exceeding Five Pounds.

Nothing in Sect. 72. of recited Act to require the putting back into the River of Foul, &c. Fish taken by Rod and Line.

XVII. Nothing contained in the Seventy-second Section of the recited Act shall require the putting back into the River of any foul, unclean, or unseasonable Sea Trout, Bull Trout, or Whitling taken or captured by means of the Rod and Line, or render liable to any Penalty any Person who shall not put back into the River any such Sea Trout, Bull Trout, or Whitling so taken or captured; provided that the Proof that any such Sea Trout, Bull Trout, or Whitling was taken or captured by means of the Rod and Line shall lie upon the Person in whose Possession the same shall be found.

Power to Superintendent of Water Bailiffs to prosecute for Offences, &c.

XVIII. Complaints and Proceedings for Offences against or Penalties or Forfeitures incurred under the Provisions of the recited Act and this Act may be made, prosecuted, and taken at the Instance of the Superintendent of Water Bailiffs for the Time being appointed and acting under the recited Act and this Act; and such Superintendent shall be entitled and is hereby authorized to make and prosecute such Complaints and to take such Proceedings in his own Name in the same Manner and to the same Effect as Complaints may be made and prosecuted and Proceedings may be taken by the Procurator Fiscal

cal or other Public Prosecutor, or the Commissioners or their Clerk, under the Provisions of the recited Act and this Act.

Recovery and Application of Penalties.

XIX. The whole Enactments and Provisions of the recited Act with respect to the Apprehension and Punishment of Offenders, and the Recovery, Application, and Disposal of Penalties and Forfeitures, are hereby incorporated with and made applicable to this Act, and to Offences committed against and Penalties and Forfeitures to be imposed and recovered under the Provisions of this Act; and all Offences committed against the Provisions of this Act shall be prosecuted, and all Penalties and Forfeitures imposed under the Provisions of this Act shall be sued for, recovered, applied, and disposed of, in the Form and Manner (as nearly as may be) prescribed by the recited Act and this Act.

Offenders may be committed to Prison without Poinding and Sale.

XX. Any Sheriff or Justice before whom any Offender is convicted of any Offence under the Provisions of the recited Act or this Act, on the Failure in Payment by such Offender of the Penalty and Costs which he has been adjudged to pay, may, without issuing any Warrant of Poinding or Distress and Sale for the Recovery of such Penalty and Costs, at once issue his Warrant for the Commitment to Prison of such Offender for the Periods specified in the Eighty-fourth Section of the recited Act, unless such Penalty and Costs be sooner paid and satisfied.

Stamp Duty on Proxies.

XXI. Every Proxy granted under the Provisions and for the Purposes of the recited Act or this Act shall be chargeable only with the Stamp Duty imposed on Proxies by the Act of the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Eighty-one.

Saving Rights of the Admiralty.

XXII. Nothing in this Act contained shall diminish, prejudice, take away, alter, suspend, or affect any Right, Power, Authority, Privilege, or Jurisdiction of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for executing the Office of Lord High Admiral.

River to remain subject to General Acts.

XXIII. Nothing in the recited Act or this Act contained shall be deemed to exempt the River from the Provisions of any General Act relating to Salmon Fisheries which shall be passed in the present or any future Session of Parliament.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the FIRST Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

22° & 23° VICT.

i. AN Act for authorizing the Construction of a Railway for carrying the *West London* Railway over the *Great Western* Railway by means of a Bridge, in substitution for the present level Crossing; and for other Purposes.

ii. An Act for enabling the *London and North-western* Railway Company to make a Railway from their existing Line at *Edge Hill* in the County of *Lancaster* to the *Saint Helen's* Railway near *Garston* in the same County, and for other Purposes.

iii. An Act to enable the *Caledonian* Railway Company to make Branch Railways to the *Wilsontown* Mineral Field, and for other Purposes.

iv. An Act to incorporate the *Red Sea and India* Telegraph Company, and for enabling the Company to establish and work Telegraphs between *Great Britain* and *India* and other Countries, and for other Purposes connected therewith.

v. An Act to provide for the Partition of the *London Road* Station at *Manchester*, and for the better Management of certain Portions of the said Station, and for improving the Access thereto.

vi. An Act for making Railways from *Pembroke Dock* to *Tenby*, and from *Pembroke Dock* to the Pier at *Hobbs Point*, in the County of *Pembroke*.

vii. An Act to amend the Provisions of the *Tyne* Improvement Acts, to authorize an alteration of the Piers at the Mouth of the River, and for other Purposes.

viii. An Act to alter and consolidate the Acts relating to the *Great North of Scotland* Railway Company; to regulate and define the Company's Capital; and for other Purposes.

ix. An Act to enable the *Kingston-upon-Thames* Gas Company to raise further Moneys by Shares and borrowing.

x. An

x. An Act to enable the *North-eastern* Railway Company to make a Branch from their *Leeds and Thirsk* Railway to *Pateley Bridge;* to acquire additional Lands; and for other Purposes.

xi. An Act for the *Reading* and *Hatfield* Turnpike Roads in the Counties of *Berks, Bucks, Oxford,* and *Hertford.*

xii. An Act for the Completion of the *Gateshead* Quay in the Borough of *Gateshead,* and for authorizing Arrangements with the *North-eastern* Railway Company with respect to the User of Parts thereof; and for other Purposes.

xiii. An Act to extend the Time for making the *Hampstead Junction* Railway, to authorize certain Deviations in the Line thereof, and for other Purposes.

xiv. An Act to amalgamate the *Selkirk and Galashiels* Railway Company with the *North British* Railway Company, and for other Purposes.

xv. An Act for authorizing the *Lymington* Railway Company to acquire the Ferry across the *Lymington* River, and to raise further Capital; and for other Purposes.

xvi. An Act for making a Railway from the *Woofferton* Station of the *Shrewsbury and Hereford* Railway in the County of *Hereford* to a Point near *Tenbury* in the County of *Worcester,* and for other Purposes.

xvii. An Act to enable the *Worcester and Hereford* Railway Company to make a Branch Railway to the *Severn* at *Worcester,* and to enlarge their Station at *Hereford;* and for other Purposes.

xviii. An Act for enabling the *Dundee and Perth and Aberdeen* Railway Junction Company to improve the *Dundee and Newtyle* Railway; and for other Purposes.

xix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Salford* to raise a further Sum of Money for improving their Gasworks; and for other Purposes.

xx. An Act to authorize the Construction of Docks and other Works on the South Shore of the River *Thames,* to be called "The *Greenwich and South-eastern Docks.*"

xxi. An Act for conferring on *Price's* Patent Candle Company, Limited, further Powers for the raising of Money; and for other Purposes.

xxii. An Act for authorizing divers Arrangements between the *Vale of Neath* Railway Company and other Companies having Railways or other Works near to the *Vale of Neath* Railway, and for regulating the Capital and Borrowing Powers of the Company, and for other Purposes.

xxiii. An Act to alter and amend the Acts relating to the *Atlantic*

Atlantic Telegraph Company; and to enable the Company to raise additional Capital; and for other Purposes.

xxiv. An Act to authorize the *North British* Railway Company to make a Railway from their *Hawick* Line to the *Port Carlisle* Railway near *Carlisle*, with divers Branches therefrom; and for other Purposes.

xxv. An Act to repeal an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, Chapter, 110, intituled *An Act for more effectually repairing the Road from* Carlisle *to* Penrith *and from* Penrith *to* Eamont Bridge *in the County of* Cumberland; and to make other Provisions in lieu thereof.

xxvi. An Act for making a Railway from *Much Wenlock* in the County of *Salop* to communicate with the *Severn Valley* Railway and the River *Severn* in the same County.

xxvii. An Act for making a new Street from near *Foundry Bridge* to *King Street* in the City and County of the City of *Norwich*.

xxviii. An Act to repeal the Acts relating to the Company of Proprietors of the *Liverpool* Exchange, and to incorporate the *Liverpool* Exchange Company, and for other Purposes connected therewith.

xxix. An Act to authorize the raising of a further Sum of Money for the Completion of the *Castle Douglas and Dumfries* Railway, and to sanction a Deviation from the authorized Line of that Railway.

xxx. An Act to authorize the Construction of a Tramway from the *Llanidloes and Newtown* Railway near *Newtown* to the *Shropshire Union* Canal; and to enable the *Llanidloes and Newtown* Railway Company to lease their Undertaking; and for other Purposes.

xxxi. An Act for authorizing an Amalgamation or Lease of the *Portsmouth* Railway with or to the *London and South-Western* Railway Company, and for other Purposes.

xxxii. An Act to extend the Time for the Sale of such Lands belonging to the Company of Proprietors of the *Forth and Clyde* Navigation as may not be required for the Purposes of the said Navigation.

xxxiii. An Act for authorizing the *Hertford, Luton, and Dunstable* Railway Company to raise further Capital for the Purposes of the *Hertford* Section of their Railway; and for extending the Period for the Completion of the *Luton* Section of their Railway; and for other Purposes.

xxxiv. An Act to enable the *Maybole and Girvan* Railway Company to raise additional Capital; to authorize a Deviation of their Line; and for other Purposes.

xxxv. An

xxxv. An Act for the Transfer of the *Caterham* Railway to the *South-eastern* Railway Company, and for other Purposes.

xxxvi. An Act to revive and extend the Powers of the *Bagenalstown and Wexford* Railway Company for the Purchase of Lands, and to extend their Powers for completing their Undertaking, and to enable them to make a Deviation in the Line of their Railway, and to increase the Powers of the said Company for borrowing on Mortgage; and to enable the *Great Southern and Western* Railway Company to subscribe towards the said Undertaking: and to enable the said Companies to make Working and Traffic Arrangements; and for other Purposes.

xxxvii. An Act to enable the *Dublin and Drogheda* Railway Company to create Debenture Stock, and to issue new Shares for redeeming existing Preference Shares subject to Redemption, and to enlarge their Station at *Dublin;* and for other Purposes.

xxxviii. An Act to enable the *Newry and Armagh* Railway Company to make Alterations in their authorized Line of Railway, and to construct a short Branch at *Newry*.

xxxix. An Act to incorporate "The *Norwich* Corn Exchange Company, Limited," and to define and regulate their Undertaking.

xl. An Act to authorize the Abandonment of the *Gloucester and Cheltenham* Tramroads, and to enable the *Midland* and the *Great Western* Railway Companies to sell and dispose of the same; and for other Purposes.

xli. An Act to enable the *Ulster* Railway Company to extend their Railway from *Monaghan* to *Clones*, and to enlarge their Stations at *Belfast* and *Portadown*, and to make Arrangements with the *Dundalk and Enniskillen* Railway Company, and to create Debenture Stock; and for other Purposes.

xlii. An Act for authorizing the *Bury Saint Edmunds* Gas Company to raise further Capital; and for regulating their Capital; and for other Purposes.

xliii. An Act for authorizing the *Border Counties* Railway Company to make and maintain the *Liddesdale* Section of their Railway, and Deviations from the Line of the *North Tyne* Section of their Railway, and to raise further Capital; and for other Purposes.

xliv. An Act for authorizing the *London and South-western* Railway Company to make new Works, and to raise further Funds; and for other Purposes.

xlv. An Act for making a Railway to *Sevenoaks*, and for other Purposes connected therewith.

xlvi. An

xlvi. An Act for connecting the Town of *Witney* with the existing Railways in the Parishes of *Yarnton and Wolvercot* in the County of *Oxford*, and for other Purposes.

xlvii. An Act to extend the Period limited by "The *Swansea* Harbour Act, 1854," for the Construction and Completion of the Works thereby authorized.

xlviii. An Act to enable the *Great Northern and Western* (*of Ireland*) Railway Company to extend their Railway to *Castlebar;* and for other Purposes.

xlix. An Act for incorporating the *National* Fire and Life Insurance Company of *Scotland* by the Name of "The *Scottish National* Insurance Company;" for enabling the Company to sue and be sued, and to take and hold Property; and for other Purposes relating to the Company.

l. An Act to confer further Powers on the *Londonderry and Lough Swilly* Railway Company for the Completion of their Railway.

li. An Act to enable the *Dundalk and Enniskillen* Railway Company to make new Lines of Railway to *Cavan* and *Belturbet;* and for other Purposes.

lii. An Act to regulate the Capital and Undertaking of "The *City of London* Gaslight and Coke Company," and to reincorporate that Company.

liii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to construct a Branch Railway to the River *Liffey;* and for other Purposes.

liv. An Act to change the Name of the *East Kent* Railway Company, and for other Purposes connected with their Undertaking.

lv. An Act for making a Railway from the *Midland* Railway to or near the Town of *Mountsorrel* in the County of *Leicester*.

lvi. An Act for authorising the *Somerset Central* Railway Company to lay down Narrow Gauge Lines of Rails on their Railways, and to raise further Funds; and for regulating their Capital and Borrowing Powers; and for other Purposes.

lvii. An Act for vesting the *Sunderland* Docks in the Commissioners of the River *Wear;* for enabling the Commissioners to execute certain Works; for amending the Provisions of the Acts relating to the Docks and River; and for other Purposes.

lviii. An Act for better supplying with Water Parts of the Parishes of *Bebbington* and *Woodchurch* in the County of *Chester;* and for other Purposes.

lix. An Act to incorporate a Company for making Railways to supply Communication to the District between *Merthyr and Abergavenny*, and for other Purposes.

lx. An

lx. An Act for making a Dock with other Conveniences in the *Camber* at *Portsmouth*, and for other Purposes.

lxi. An Act for incorporating "The *Tottenham and Edmonton* Gaslight and Coke Company," and extending their Powers; and for other Purposes.

lxii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to abandon a Portion of their authorized Line between *Longford and Boyle*, and to construct a new Line in substitution therefor; and for other Purposes.

lxiii. An Act for making a Railway from *Llanidloes* in the County of *Montgomery* to *Newbridge* in the County of *Radnor*, to be called "The *Mid-Wales* Railway;" and for other Purposes.

lxiv. An Act for making a Railway from the *Shrewsbury* and *Chester* Section of the *Great Western* Railway near *Ruabon* in the County of *Denbigh* to the Town of *Llangollen* in the same County, and for other Purposes.

lxv. An Act to enable the *Stokes Bay* Railway and Pier Company to raise additional Capital.

lxvi. An Act to repeal an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for widening, improving, and maintaining the Turnpike Road leading from the City of* Worcester, *through* Droitwich, *to* Spadesbourne Bridge *within the Parish of* Bromsgrove *in the County of* Worcester, *and other Roads therein mentioned;* and for granting more effectual Powers in lieu thereof.

lxvii. An Act to repeal an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road from* Hinckley *to* Melbourne Common, *and other Roads communicating therewith, in the Counties of* Leicester *and* Derby; and granting more effectual Powers in lieu thereof.

lxviii. An Act for making Railways in the District between *Brecon* and *Merthyr Tydfil*, and for other Purposes.

lxix. An Act to enable the *London, Brighton, and South Coast* Railway Company to make certain Alterations in their existing and authorized Railways; to make a new Railway at *Norwood;* to acquire additional Lands for Station Accommodation, and to purchase or take on Lease other Undertakings; and for other Purposes.

lxx. An Act to amend "The *Tweed* Fisheries Act, 1857," and to alter the Annual Close Times in the River *Tweed*.

lxxi. An Act to authorize the *Bradford, Wakefield, and Leeds* Railway Company to raise a further Sum of Money; and for other Purposes.

lxxii. An

lxxii. An Act for the Regulation and Improvement of the Oyster Fishery in the River *Orwell* within the Borough of *Ipswich.*

lxxiii. An Act to enable the *South Durham and Lancashire Union* Railway Company to deviate their authorized Line of Railway, to carry their Line over a certain Road by a level Crossing, and to construct a Road for providing better Access to the Railway at or near to *Barnard Castle;* and for other Purposes.

lxxiv. An Act to authorize the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to make a Railway from *Hooton* to *Helsby,* with a branch to *Tranmere Pool;* and for other Purposes.

lxxv. An Act for inclosing the Commons or Waste Lands called "The Commons of *Bray*" in the Parish of *Old Connaught* in the County of *Dublin.*

lxxvi. An Act to authorize the *Oxford, Worcester, and Wolverhampton* Railway Company to extend their *Kingswinford* Branch, and to alter certain Parts of their Main Line of Railway, and to carry into effect an Agreement with the *Great Western* Railway Company for the Completion of the Main Line on the Narrow Gauge only; and for other Purposes.

lxxvii. An Act for making a Pier in *Swanage Bay* in the County of *Dorset,* and a Tramway in connexion therewith; and for other Purposes.

lxxviii. An Act for making a Road from *Llanrwst* to *Abergele,* and a Branch Road thereout, in the Counties of *Denbigh* and *Caernarvon.*

lxxix. An Act for continuing an Act for more effectually making, amending, widening, repairing, and maintaining the Great North Roads leading from the *North Queensferry* and from *Burntisland,* both in the County of *Fife,* by *Kinross,* to the City of *Perth,* and for enabling the Trustees of the said Roads and the Trustees of other Roads to enter into mutual Arrangements.

lxxx. An Act to enable the *Dublin and Wicklow* Railway Company to extend their Railway to *Gorey* in the County of *Wexford;* and for other Purposes.

lxxxi. An Act for the making and maintaining of the *Charing Cross* Railway, and for other Purposes.

lxxxii. An Act to alter and amend the Acts relating to the Lands Improvement Company.

lxxxiii. An Act to consolidate and amend the Acts relating to the *Scottish Central* Railway.

lxxxiv. An Act for making a Railway from *Brecon* through

Hay to the Line of the *Shrewsbury and Hereford* Railway Company at *Hereford*.

lxxxv. An Act for the making and maintaining of the *Wansbeck* Railway from *Morpeth* to a Junction with the *North Tyne* Section of the *Border Counties* Railway, and with Branches to the *Morpeth* Branch of the *Blyth and Tyne* Railway and the Main Line of the *North-eastern* Railway respectively; and for other Purposes.

lxxxvi. An Act to repeal an Act of the Ninth Year of the Reign of King *George* the Fourth, for making a Turnpike Road from the Township of *Hunslet* across the River *Aire* to the Township of *Leeds*, and to make other Provisions in lieu thereof.

lxxxvii. An Act to repeal the Acts relating to the *Lawton*, *Burslem*, and *Newcastle-under-Lyme* Turnpike Roads, and to consolidate and amend the Provisions thereof.

lxxxviii. An Act for making a Railway from the *London and North-western* Railway to *Sutton Coldfield* in the County of *Warwick*, with a Branch therefrom; and for other Purposes.

lxxxix. An Act for repairing and maintaining certain Roads at and near *Ludlow* in the County of *Salop*, known as the *Ludlow* First Turnpike Trust, the *Ludlow* Second Turnpike Trust, and the *Cainham* Trust, and for placing such Roads under the same Management.

xc. An Act to enable the *Sittingbourne and Sheerness* Railway Company to raise additional Capital, to amend the Acts relating to the Company, and for other Purposes.

xci. An Act for amalgamating the *Bedale and Leyburn* Railway Company with the *North-eastern* Railway Company, and for vesting in the latter the Undertaking of the former Company and the *Rosedale* Branch and Property of the *North Yorkshire and Cleveland* Railway Company; and for other Purposes.

xcii. An Act to renew the Term and continue, amend, and enlarge the Powers of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the* Cross of Hand *near* Finford Bridge *in the County of* Warwick, *through the Town of* Southam *in the same County, to the Borough of* Banbury *in the County of* Oxford, and to make other Provisions in lieu thereof; and for other Purposes.

xciii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Blackburn and Preston* Turnpike Road, and for constructing a Bridge over

over the River *Ribble* in connexion therewith ; and for other Purposes.

xciv. An Act for making a Railway from *West Cowes* to *Newport* in the *Isle of Wight*, and for other Purposes.

xcv. An Act for making a Railway from the *London and South-western* Railway in the Parish of *Ringwood* to *Christchurch*, and an Approach Road at *Christchurch*, all in the County of *Southampton ;* and for other Purposes.

xcvi. An Act to authorize the *Charleston* Railway and Harbour Company to purchase and acquire the *Charleston* Railway and Harbour, and to extend and improve the said Railway and Harbour.

xcvii. An Act to alter, amend, and enlarge the Provisions of the Acts relating to the *Metropolitan* Railway, to authorize the Alteration and Relinquishment of certain of the Works; and to make further Provision with reference to the Construction of such Railway ; and for other Purposes.

xcviii. An Act to extend the Powers of the *West End of London and Crystal Palace* Railway Company for the Purchase of Lands and Completion of their authorized Extension to *Farnborough* Railway, and for other Purposes.

xcix. An Act for better supplying with Water the Town of *Eastbourne* and Places adjacent thereto in the County of *Sussex*, and for other Purposes.

c. An Act to enable the *North-eastern* Railway Company to construct Branch Railways for the Purpose of uniting their *Leeds and Thirsk* and *Church Fenton and Harrogate* Railways ; and for other Purposes.

ci. An Act to amend the Acts relating to the *South Yorkshire* Railway and River *Dun* Company, and to regulate the crossing of certain Roads by the Railway of the Company.

cii. An Act for regulating the *Bombay, Baroda, and Central India* Railway Company, and for making Provision with respect to the Capital of the Company ; and for other Purposes.

ciii. An Act to make better Provision for the Management and Application of the *Newcastle-under-Lyme* Burgesses Lands, to repeal and amend the Act relating thereto, and for other Purposes.

civ. An Act for making a Railway from the *Trent Valley* Railway at *Nuneaton* in the County of *Warwick* to *Hinckley* in the County of *Leicester*, and for other Purposes.

cv. An Act to authorize the Construction of a Railway from *Hungerford* in *Berkshire* to *Devizes* in *Wiltshire*, to be called "The *Berks and Hants Extension* Railway."

cvi. An

cvi. An Act for incorporating the *British and Canadian* Telegraph Company, and for other Purposes.

cvii. An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, and forming part of *Chichester* Harbour in the County of *Sussex*.

cviii. An Act to alter, amend, and extend the Acts for inclosing, embanking, and draining the Marsh called *Malltraeth and Corsddaugau* in the County of *Anglesey*, and to provide for the Maintenance of the Embankments and Drainage, and for other Purposes.

cix. An Act to authorize the *South Staffordshire* Railway Company to acquire certain Lands and raise additional Capital; and for other Purposes.

cx. An Act for the Amalgamation of the *East Lancashire* Railway Company with the *Lancashire and Yorkshire* Railway Company, and for other Purposes.

cxi. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to convert their Mortgage or Bond Debt into Shares or Stock; and for other Purposes.

cxii. An Act to enable the *Victoria* Station and *Pimlico* Railway Company to raise further Sums of Money.

cxiii. An Act for enabling the *London and North-western* Railway Company to construct new Works and acquire additional Lands in the Counties of *Lancaster* and *Northampton*; and for other Purposes.

cxiv. An Act to authorize the Maintenance and Use of the *Silverdale and Newcastle-under-Lyme* Railway, and the Use of the Extension Railway to the *Newcastle-under-Lyme* Canal, and for other Purposes.

cxv. An Act to enable the *Waveney Valley* Railway Company to extend their Railway from *Harleston* to *Bungay* and *Ditchingham*; and for other Purposes relating to the same Company.

cxvi. An Act to enable the *Herne Bay and Faversham* Railway Company to extend their Railway to *Margate*, to change their Name; and for other Purposes connected with their Undertaking.

cxvii. An Act for establishing Railway Communication between *Loughton, Epping*, and *Chipping Ongar* in the County of *Essex*, and for other Purposes.

cxviii. An Act to enable the *Norwich and Spalding* Railway Company to extend their Railway from *Holbeach* to *Sutton Bridge* in *Lincolnshire*.

cxix. An Act to authorize the Construction of a Railway from the *Hythe* in the Neighbourhood of *Colchester* to *Wivenhoe* in *Essex*, to be called "The *Tendring Hundred* Railway."

cxx. An

cxx. An Act to afford Facilities for raising Funds for the Completion of the *Bridport* Railway, and to authorize the Lease thereof to the *Great Western* Railway Company.

cxxi. An Act for making a Railway from *Knighton* to *Llandrindod* in the County of *Radnor*, to be called "The *Central Wales* Railway," and for other Purposes.

cxxii. An Act to enable the *Colne Valley and Halstead* Railway Company to extend their Railway from *Halstead* to *Haverhill* in the County of *Essex*.

cxxiii. An Act for improving, paving, draining, and lighting the Burgh of *Falkirk*, and for regulating the Supply of Water within the Burgh; and for providing for the Transference of the Property of the Stintmasters and Feuars of *Falkirk* to the Magistrates and Council; and for other Purposes.

cxxiv. An Act for authorizing the *Lancaster and Carlisle* Railway Company to make new Works, and to make Arrangements with other Companies, and to raise further Funds; and for other Purposes.

cxxv. An Act for making a Railway from the *Coultershaw* Branch of the *Mid-Sussex* Railway to the Town of *Midhurst* in the County of *Sussex*.

cxxvi. An Act for making a Branch from the *North Staffordshire* Railway in the Parish of *Stoke-upon-Trent* in the County of *Stafford*, and for extending the Time for completing certain Works, and for authorizing Arrangements with the *London and North-western* Railway Company; and for other Purposes.

cxxvii. An Act for enabling the *Stockton and Darlington* Railway Company to make a new Railway and other Works; and for other Purposes.

cxxviii. An Act for making the *Kensington* Station and *North and South London Junction* Railway, and for other Purposes.

cxxix. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Branch Railways from *Oldham* to *Rochdale* and *Royton* in the County of *Lancaster;* and for other Purposes.

cxxx. An Act for enabling the *Midland* Railway Company to make an Extension of their *Erewash Valley* Line, to acquire additional Lands in the County of *Leicester;* and for other Purposes.

cxxxi. An Act to facilitate Arrangements by the *Londonderry and Coleraine* Railway Company with their Creditors, and for other Purposes.

cxxxii. An Act to suspend in certain Cases the Operation of the

the Twenty-eighth Section of the "*Liverpool* Sanitary Amendment Act, 1854," and for other Purposes.

cxxxiii. An Act for the better Regulation of Watermen, Barge Owners, and others connected with the Navigation of the River *Thames* between *Teddington Lock* and *Lower Hope Point*.

cxxxiv. An Act for the making and maintaining of the *West London Extension* Railway, and for other Purposes.

cxxxv. An Act to amend "The *Tacumshin* Embankment Act, 1854," and to extend the Time for the Completion of the Works authorized by that Act.

cxxxvi. An Act for making and maintaining in and near to *Burton-upon-Trent* of Branch Railways from the *Midland* Railway, and the building of a new Bridge across the River *Trent* at *Burton-upon-Trent*, and the taking down and removing of "The Great Bridge at *Burton-upon-Trent*;" and for other Purposes.

cxxxvii. An Act to confer certain Powers upon "The Pneumatic Despatch Company (Limited)."

cxxxviii. An Act to transfer the *Warrington and Stockport* Railway to certain Companies.

cxxxix. An Act to extend the *Wells and Fakenham* Railway to and along *Wells* Quays, and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the Exchange of certain detached Portions situate in the County of *Forfar* of the Entailed Estate of *Haulkertoun* for the Lands of *Balbithan* and *Wester Fintray* in the County of *Aberdeen*, to be entailed in lieu thereof; and for other Purposes.

2. An Act for authorizing the Trustees of the Settled Estates in *Wales* of Earl *Vane* and Countess *Vane* to raise Five thousand Pounds by Mortgage of the same Estates, and to become Shareholders to the Extent of such Sum in the *Newtown and Machynlleth* Railway Company, and to sell to the Company

pany Part of the Settled Estates, in consideration of a yearly Rent-charge ; and for other Purposes.

3. An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Dean Street* in the City of *Westminster* to *Alfred Lucette*, of which the Short Title is "*Lucette*'s Estate Act, 1859."
4. An Act for authorizing Leases of Parts of the Settled Estates, in the Parishes of *Huddersfield*, *Almondbury*, and *Kirkheaton* in the West Riding of the County of *York*, of Sir *John William Ramsden* Baronet, and of which the Short Title is "*Ramsden*'s Estate (Leasing) Act, 1859."
5. An Act for effecting a Partition of the Landed Estates of *Josiah Robins* deceased in and near to *Birmingham* and elsewhere, and for facilitating the Erection and Endowment of a Church thereon, and for authorizing the Application of Moneys subject to the Trusts of his Will towards the Expenses of making Bridges for the Benefit of Parts of his Estates ; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

6. An Act to dissolve the Marriage of *William Sandwith* Esquire with *Georgina Mary* his now Wife, and to enable him to marry again ; and for other Purposes.
7. An Act to dissolve the Marriage of *James Edward Dickinson*, a Surgeon in the Honourable *East India* Company's Service in the *East Indies*, with *Henrietta Louisa* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Administration, Letters of; to alter the Stamp Duties payable upon, . 15
Arbitration, to enable Railway Companies to settle their Differences with other Companies by 38
Ascertainment of the Law; to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof . . 43

Charitable and Provident Societies: to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks 31
Colleges; to remove Doubts as to the Admission to the Office of Principal in the Universities of Scotland 11
Coinage; to extend the Enactments relating to the Copper Coin to Coin of Mixed Metal 13
Copper Coin: to extend the Enactments relating to the Coin of Mixed Metal 13
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 and 18 Vict. c. 102) 29
Customs, for the amendment of the Laws relating to the . . . 17

Diplomatic Pensions; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . 2

East India; to amend the Act 21 and 22 Vict. c. 106, for the better Government of India 25
Elections, Parliamentary; to continue the Corrupt Practices Prevention Act, 1854 (17 and 18 Vict. c. 102) 29
Exchequer, Court of, to amend the Practice and Procedure on the Revenue Side of the, ... 10
Excise Duty on Malt, to reduce the Period of Credit allowed for Payment of the 7

Faculty of Physic, to repeal the Stamp Duties on Licenses to exercise the . 15
Fisheries; to amend "The Tweed Fisheries Act, 1857," and to alter the Annual Close Times in the River Tweed . . . . *Appendix.*

Gas, for regulating Measures used in Sales of 46
Government of India; to amend the Act 21 and 22 Vict. c. 106, for the better Government of India 25

Hawkers and Pedlars, to amend the Laws relating to . . . 15

Income Tax, granting to Her Majesty additional Rates of . . . 7
India, to amend the Act 21 and 22 Vict. c. 106, for the better Government of 25

Jury Trial: to amend the Act 17 and 18 Vict. c. 59, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous 3

Page

Law Ascertainment Facilities; to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof . . 43
Letters of Administration, to alter the Stamp Duty payable on . . 15
Licences; to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, &c. 15

Malt Duty; to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt 7
Measures; to amend the Act 5 and 6 Will. 4. c. 63., relating to Weights and Measures 32
Measures for Sales of Gas; for regulating of Measures used in Sales of Gas 46
Members of Parliament; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . 2
Metal, Mixed; to extend the Enactments relating to the Copper Coin to Coin of Mixed Metal 13
Militia; to amend the Laws relating to the Militia 19

Parliament, Members of; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . 2
Pawnbrokers; to amend the Act 39 and 40 Geo. 3. c. 99., for better regulating the Business of Pawnbrokers 5
Pedlars, to amend the Laws relating to 15
Penny Savings Banks; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks . 31
Pensions; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament 2
Physic, Faculty of; to repeal the Stamp Duty on Licences to exercise the Faculty of Physic 15
Principal in the Universities of Scotland; removing Doubts as to the Admission to the Office of 11
Probates and Letters of Administration, altering the Stamp Duties upon . 15
Property and Income Tax; granting to Her Majesty certain additional Rates of Income Tax 7
Provident Societies; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks . . 31

Queen's Remembrancer; to regulate the Office of, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer . 10

Railway Companies; to enable Railway Companies to settle their Differences with other Companies by Arbitration 38
Revenue Side of the Exchequer, to amend the Practice and Procedure in the 10

Sale of Gas; for regulating Measures used in Sales of Gas . . . 46
Stamp Duties; to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, and to repeal the Stamp Duties on Licences to exercise the Faculty of Physic 15

Tax. *See* Income Tax.
Trial by Jury, to amend the Act 17 and 18 Vict. c. 59, for allowing Verdicts on, in Civil Causes, to be received, although the Jury may not be unanimous. 3
Tweed Fisheries; to amend "The Tweed Fisheries Act, 1857," and to alter the Annual Close Times in the River Tweed . . . *Appendix*

Universities; to remove Doubts as to the Admission to the Office of Principal in the Universities of Scotland 11

Verdict. *See* Trial by Jury.

Weights and Measures, to amend the Act 5 and 6 Will. 4. c. 63, relating to . 32
Wills, Probates of, to alter the Stamp Duty payable upon . . . 15

INDEX

TO

THE PUBLIC GENERAL ACTS,

22° & 23° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. „ „ „ „ „ Great Britain.
E. „ „ „ „ „ England.
S. „ „ „ „ „ Scotland.
I. „ „ „ „ „ Ireland.
W. „ „ „ „ „ Wales.

Administration of Justice. *See* Admiralty. Arbitration. Ascertainment of the Law. Assistant Judge. Bankruptcy and Insolvency. British America. Imprisonment for Debt. Jury Trial. Misdemeanors. Privy Council. Sessional Divisions. Vexatious Indictments.

Administration, Letters of, to amend the Law relating to . . Cap. 31. I.
——— to alter the Stamp Duties payable upon . Cap. 36. G. B. & I.

Admiralty, High Court of; to enable Serjeants, Barristers-at-Law, Attorneys, and Solicitors to practise in the High Court of Admiralty . . Cap. 6. E.

Admission to Office of Principal. *See* Universities.

America, British. *See* North-Western Territories.

Antigua, to enable Her Majesty to confirm an Act passed by the Legislature of, intituled "An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda" . . . . . Cap. 13. U. K.

Application of Aids. *See* Consolidated Fund.

Appropriation of Supplies: to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament . Cap. 55. U. K.

Arbitration, to enable Railway Companies to settle their Differences with other Companies by . . . . . Cap. 59. G. B. & I.

Army. *See* Reserve Force. European Troops (India).

Arrangements for Relief of Turnpike Trusts. *See* Turnpike Roads and Trusts.

Ascertainment of the Law; to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof . . . . Cap. 63. U. K.

Assistant Judge for Middlesex; to amend 7 & 8 Vict. c. 71. for the better Administration of Criminal Justice in Middlesex . . . . Cap. 4. E.

Attorneys, enabling them to practise in the High Court of Admiralty Cap. 6. E.

Authentication of Orders of Privy Council, to provide for, in Absence of the Clerk of the Council in Ordinary . . . . Cap. 1. G. B. & I.

Ballots for the Militia. *See* Militia.

Bankruptcy and Insolvency; to amend the Irish Bankruptcy and Insolvency Act, 1857 (20 & 21 Vict. c. 60). . . . . Cap. 62. I.

Barbuda; to enable Her Majesty to confirm an Act passed by the Legislature of Antigua, intituled "An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda" . . . . . Cap. 13. U. K.

Barristers-at-Law, enabling them to practise in the High Court of Admiralty Cap. 6. E.
Boards of Guardians; to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts Cap. 49. E.
Borough Police, to amend the Law concerning the . . . . Cap. 32. E.
Boundary Survey; to amend the Act 20 & 21 Vict. c. 45. relating to the Survey of Boundaries in Ireland . . . . . Cap. 8. I.
British America (North-Western Territories); to make further Provision for the Regulation of the Trade with the Indians, and for the Administration of Justice in the North-western Territories of America . . . Cap. 26. U. K.

Cambridge University; to continue the Powers of the Commissioners under the Act 19 & 20 Vict. c. 88., concerning the University of Cambridge and the College of King Henry the Sixth at Eton . . . . . Cap. 34. E.
———— to repeal Part of the Act 13 Eliz. c. 29. concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, &c. granted to either of them . . . . . Cap. 19. E.
Canada, to empower the Legislature of, to make Laws regulating the Appointment of a Speaker of the Legislative Council . . . Cap. 10. U. K.
Capitular Estates, to continue and amend 14 & 15 Vict. c. 104. concerning the Management of . . . . . Cap. 46. E.
Charitable Trusts; further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Act . . . . Cap. 50. E.
Charitable and Provident Societies; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks Cap. 53. G. B. & I.
Charities. *See* Roman Catholic Charities.
Charters, Confirmation of. *See* Cambridge University. Oxford University.
Chester and Holyhead Railway; to extend the Powers of the Act 13 & 14 Vict. c. 111., relating to the laying down of Railways at Holyhead Harbour, Cap. 60. E.
Chief Superintendent (China), to provide for the Exercise of the Duties of, in certain Cases . . . . . Cap. 9. U. K.
China; to provide for the Exercise of the Duties of Chief Superintendent in China, in certain Cases . . . . . Cap. 9. U. K.
Civil Causes, Trials in. *See* Trials by Jury.
Clerk of the Council; to provide for the Authentication of certain Orders of the Privy Council in the Absence of the Clerk of the Council in Ordinary Cap. 1. G. B. & I.
Coinage; to extend the Enactments relating to the Copper Coin to Coin of Mixed Metal . . . . . Cap. 30. U. K.
Collection of County Cess; to continue certain Acts relating to . Cap. 23. I.
College of King Henry VI. at Eton, to continue the Powers of the Commissioners under the Act 19 & 20 Vict. c. 88. concerning the . . Cap. 34. E.
Colonial Legislatures; to repeal, as regards the Colony of Victoria, and to enable other Colonial Legislatures to repeal, certain Provisions of the Imperial Acts 54 Geo. 3. c. 15. and 5 & 6 Will. 4. c. 62. . . . Cap. 12. U. K.
Commons Inclosure; to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land . . . Cap. 43. E.
———— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . . . . Cap. 47. E.
Confirmation of Charters. *See* Cambridge University. Oxford University.
Consolidated Fund; to apply the Sum of £7,000,000 out of the Consolidated Fund to the Service of the Year 1859 . . . . . Cap. 2. U. K.
———— ———— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament . . . Cap. 55. U. K.
Constabulary Force, to amend the Acts relating to the . . . Cap. 22. I.
Copper Coin, to extend the Enactments relating to, to Coin of mixed Metal Cap. 3. U. K.
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) . . . . Cap. 48. G. B. & I.

Council, Clerk of the. *See* Privy Council.
County Cess, to continue certain Acts relating to the Collection of Cap. 23. I.
County Courts; limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges . . . . . Cap. 57. E.
County Police, to amend the Law concerning the . . . Cap. 32. E.
Courts. *See* Admiralty. Divorce. Exchequer. Probate.
Court of Probate; to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate, and other Courts and Offices . . . . . Cap. 16. E.
Credit. *See* Malt Duty.
Criminal Justice (Middlesex), to amend the Act 7 & 8 Vict. c. 71. for the better Administration of . . . . . Cap. 4. E.
Customs, for the Amendment of the Laws relating to the . . Cap. 37. U. K.

Debt Imprisonment for; limiting Power of Imprisonment for Small Debts exercised by the County Court Judges . . . . . Cap. 57. E.
Debts of Guardians of the Poor. *See* Poor-Law Boards.
Diplomatic Pensions; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . Cap. 5. U. K.
Disembodied Militia. *See* Militia.
Divisions (Sessional) of Counties; for amending the Acts 2 Geo. 4. c. 43., 10 Geo. 4. c. 46., and 6 & 7 Will. 4. c. 12., for the better Regulation of Divisions in the several Counties of England and Wales . . . . Cap. 65. E.
Divorce, Court of; to make further Provision concerning the Court for Divorce and Matrimonial Causes . . . . . Cap. 61. E.
Dublin Police; to amend the Laws relating to the Police District of Dublin Metropolis . . . . . Cap. 52. I.
Duties, Rates, and Taxes. *See* Customs. Excise. Income Tax. Stamp Duties.

East Indies; to amend the Act 21 & 22 Vict. c. 106. for the better Government of India . . . . . Cap. 41. U. K.
———— to enable the Secretary of State in Council of India to raise Money [£5,000,000] in the United Kingdom for the Service of the Government of India . . . . . Cap. 39. U. K.
———— to repeal the Thirty-first Section of 16 & 17 Vict. c. 95., and to alter the Limit of the Number of European Troops to be maintained for the Service of India . . . . . Cap. 27. U. K.
Ecclesiastical Jurisdiction, to continue certain temporary Provisions concerning Cap. 45. E.
Elections, Parliamentary: to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) . . . . . Cap. 48. G. B. & I.
Episcopal and Capitular Estates, to continue and amend the Act 14 & 15 Vict. c. 104. concerning the Management of . . . . . Cap. 46. E.
Estates, Episcopal. *See* Episcopal and Capitular Estates.
Eton College, to continue the Powers of the Commissioners under the Act 19 & 20 Vict. c. 88. concerning . . . . . Cap. 34. E.
European Troops (India): to repeal the Thirty-first Section of the Act 16 & 17 Vict. c. 95., and to alter the Limit of the Number of European Troops to be maintained for local Service in India . . . . Cap. 27. U. K.
Exchange of Lands. *See* Commons Inclosure.
Exchequer, Court of, to amend the Practice and Procedure on the Revenue Side of the . . . . . Cap. 21. E.
Excise Duty on Malt, to reduce the Period of Credit allowed for Payment of the . . . . . Cap. 18. U. K.
Exemption from Rating. *See* Stock in Trade.

Faculty of Physic, to repeal the Stamp Duties on Licences to exercise the Cap. 36. G. B. & I.
Fishing Vessels; to repeal a certain Toll levied upon Fishing Vessels passing the Nore . . . . . Cap. 29. E.

Galway Harbour and Port; to amend the Galway Harbour and Port Act, 1853 (16 and 17 Vict. c. ccvii.) . . . . . Cap. 28. I.

Gas, for regulating Measures used in Sales of . . Cap. 66. G. B. & I.
Government of India; to amend the Act 21 and 22 Vict. c. 106., for the better Government of India . . . . . Cap. 41. U. K.
See also East Indies.
Grand Jury Cess; to continue certain Acts relating to the Collection of County Cess Cap. 23 I.
Guardians, Boards of. *See* Poor-Law Boards.

Harbour and Port of Galway; to amend the Galway Harbour and Port Act, 1853 (16 and 17 Vict. c. ccvii.) . . . . . Cap. 28. I.
Hawkers and Pedlars, to amend the Laws relating to . Cap. 36. G. B. & I.
Health, Public; to amend and make perpetual the Public Health Act, 1858 (21 and 22 Vict. c. 97.) . . . . . Cap. 3. E.
Hempen Manufactures, to continue certain Acts relating to . Cap. 25. I.
High Court of Admiralty. *See* Admiralty, Court of.
Holyhead; to extend the Powers of the Act 13 and 14 Vict. c. 111., relating to the laying down of Railways at Holyhead Harbour . . Cap. 60. E.

Imprisonment for Debt; limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges . . . . Cap. 57. E.
Improvement of Lands. *See* Inclosure.
Inclosure; to authorize the Inclosure of certain Lands, in pursuance of a Special Report of the Commissioners . . . . . Cap. 47. E.
——— to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land . . . . Cap. 43. E.
Income Tax, granting to Her Majesty additional Rates of . . Cap. 18. U. K.
India. *See* East Indies.
Indians, Trade with. *See* North-Western Territories, British America.
Indictments, Vexatious; to prevent Vexatious Indictments for certain Misdemeanors . . . . . Cap. 17. E. & I.
Insolvency; to amend the Irish Bankruptcy and Insolvency Act, 1857 (20 and 21 Vict. c. 60.) . . . . . Cap. 62. I.

Judge (Assistant); to amend the Act 7 and 8 Vict. c. 71., for the better Administration of Criminal Justice in Middlesex . . . Cap. 4. E.
Judges of the County Courts, limiting the Power of Imprisonment for Small Debts exercised by . . . . . Cap. 57. E.
Jurisdiction, Ecclesiastical; to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction . . . . . Cap. 45. E.
Jury Trial; to amend the Act 17 and 18 Vict. c. 59., for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous . . . . . Cap. 7. S.
Justice, Administration of. *See* Admiralty. Arbitration. Ascertainment of the Law. Assistant Judge. Bankruptcy and Insolvency. British America. Imprisonment for Debt. Jury Trial. Misdemeanors. Privy Council. Sessional Divisions. Vexatious Indictments.

Lands, Inclosure of; to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . . Cap. 47. E.
——— to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land . . . . . Cap. 43. E.
Law Ascertainment Facilities; to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof . . . Cap. 63. U. K.
Law of Property and Trustees Relief; to further amend the Law of Property, and to relieve Trustees . . . . . Cap. 35. E. & I.
Legislative Council (Canada). *See* Canada.
Legislatures, Colonial. *See* Colonial Legislatures.
Letters of Administration; to amend the Law relating to . . Cap. 31. I.
——— to alter the Stamp Duty payable on . . Cap. 36. G. B. & I.
Licences; to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, &c. . . . . Cap. 36. G. B. & I.

Linen, &c. Manufactures; to continue certain Acts relating to Linen, Hempen, and other Manufactures . . . . . Cap. 25. I.
Lisbon; to remove Doubts as to the Validity of certain Marriages of British Subjects at Lisbon . . . . . Cap. 64. U. K.
Lists and Ballots for the Militia. *See* Militia.
Local Government; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 and 22 Vict. c. 98.) . . . Cap. 11. E.

Malt Duty; to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt . . . . . Cap. 18. U. K.
Manufactures; to continue certain Acts relating to Linen, Hempen, and other Manufactures . . . . . Cap. 25. I.
Marriages (Lisbon); to remove Doubts as to the Validity of certain Marriages of British Subjects at Lisbon . . . . . Cap. 64. U. K.
Matrimonial Causes. *See* Divorce, Court of.
Measures; to amend the Act 5 and 6 Will. 4. c. 63., relating to Weights and Measures . . . . . Cap. 56. E. and S.
Measures for Sales of Gas; for Regulation of Measures used in Sales of Gas Cap. 66. G. B. & I.
Members of Parliament; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . Cap. 5. U. K.
Military Savings Banks; to amend and consolidate the Laws relating to Military Savings Banks . . . . . Cap. 20. U. K.
Militia; to amend the Laws relating to the Militia . . . Cap. 38. U. K.
——— to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . . . Cap. 15. G. B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant-Surgeons, and Surgeons' Mates of the Militia, &c. . . . . Cap. 54. G. B. & I.
Misdemeanors; to prevent vexatious Indictments for certain Misdemeanors Cap. 17. E. & I.

Mixed Metal. *See* Coin.

Nore Light; to repeal a certain Toll levied on Fishing Vessels passing the Nore Cap. 29. E.
North-Western Territories, British America; to make further Provision for the Regulation of the Trade with the Indians, and for the Administration of Justice in the North-western Territories of America . . Cap. 26. U. K.

Offices, &c., Site for. *See* Court of Probate.
Orders of Privy Council. *See* Privy Council.
Ordnance Survey; to amend the Act 20 and 21 Vict. c. 45, relating to the Survey of Boundaries in Ireland . . . . . Cap. 8. I.
Oxford University; to repeal Part of the Act 13 Eliz. c. 29., concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them Cap. 19. E.

Parliament, Members of; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . Cap. 5. U. K.
Pawnbrokers; to amend the Act 39 and 40 Geo. 3. c. 99., for better regulating the Business of Pawnbrokers . . . . . Cap. 14. E.
Payment of Debts. *See* Poor-Law Boards.
Pedlars; to amend the Laws relating to . . . Cap. 36. G. B. & I.
Penny Savings Banks; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks, Cap. 53. G. B. & I.
Pensions; to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament . . . . . Cap. 5. U. K.
Physic, Faculty of; to repeal the Stamp Duty on Licences to exercise the Faculty of Physic . . . . . Cap. 36. G. B. & I.

Police; to amend the Law concerning the Police in Counties and Boroughs Cap. 32. E.
——— to amend the Laws relating to the Police District of Dublin Metropolis Cap. 52. I.
——— to amend the Acts relating to the Constabulary Force . Cap. 22. I.
Poor-Law Boards; to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts Cap. 49. E.
Poor Rates; to continue 3 and 4 Vict. c. 89., for the Exemption of Stock in Trade from Rating to the Relief of the Poor . . . . Cap. 44. E.
Port of Galway. *See* Galway Harbour and Port.
Powers of Repeal. *See* Colonial Legislatures.
Principal in the Universities of Scotland, removing Doubts as to the Admission to the Office of . . . . . Cap. 24. S.
Privy Council; to provide for the Authentication of certain Orders of the, in Absence of the Clerk of the Council in Ordinary . . Cap. 1. G. B. & I.
Probate, Court of; to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate and other Courts and Offices . . . . . Cap. 16. E.
Probates and Letters of Administration; to amend the Law relating to, Cap. 31. I.
——— altering the Stamp Duties upon . . . Cap. 36. G. B. & I.
Property, Law of; further to amend the Law of Property, and to relieve Trustees Cap. 35. E. & I.
Property and Income Tax; granting to Her Majesty certain additional Rates of Income Tax . . . . . Cap. 18. U. K.
Provident Societies; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Saving Banks . Cap. 53. G. B. & I.
Provisional Orders. *See* Local Government. Turnpike Roads and Trusts.
Public Health Act; to amend and make perpetual "The Public Health Act, 1858" (21 and 22 Vict. c. 97.) . . . . . Cap. 3. E.

Qualification. *See* Diplomatic Pensions.
Queen's Remembrancer, to regulate the Office of, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer . Cap. 21. E.

Railway Companies; to enable Railway Companies to settle their Differences with other Companies by Arbitration . . . . Cap. 59. G. B. & I.
Railways at Holyhead Harbour; to extend the Powers of the Act 13 and 14 Vict. c. 111. relating to . . . . . Cap. 60. E.
Rates, Taxes, and Duties. *See* Customs. Excise. Income Tax. Stamp Duties.
Rating, Exemption from. *See* Stock in Trade.
Relief of Trustees; further to amend the Law of Property, and to relieve Trustees Cap. 35. E. & I.
Relief of Turnpike Trusts. *See* Turnpike Roads, &c.
Remembrancer (Queen's). *See* Queen's Remembrancer.
Repeal, Powers of. *See* Colonial Legislatures.
Reserve Force; to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service . . . . Cap. 42. U. K.
——— for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same . . . . . Cap. 40. U. K.
Revenue Side of the Exchequer; to amend the Practice and Procedure on the Cap. 21. E.
Roman Catholic Charities; to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Act . . . . Cap. 50. E.

Sale of Gas; for regulating Measures used in Sales of Gas . Cap. 66. G. B. & I.
Savings Banks. *See* Military Savings Banks. Penny Savings Banks.
School Districts. *See* Boards of Guardians.
Seamen, Volunteer Force of; for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same . . Cap. 40. U. K.
Serjeants-at-Law; enabling them to practise in the High Court of Admiralty Cap. 6. E.

Service in India. *See* European Troops (India).
Sessional Divisions; for amending the Acts 9 Geo. 4. c. 43., 10 Geo. 4. c. 46., and 6 and 7 Will. 4. c. 12., for the better Regulation of Divisions in the several Counties of England and Wales . . . . . Cap. 65. E.
Site for Court of Probate. *See* Court of Probate.
Small Debts, limiting the Power of Imprisonment for, exercised by the County Court Judges . . . . . Cap. 57. E.
Solicitors, enabling them to practise in the High Court of Admiralty Cap. 6. E.
Speaker of the Legislative Council (Canada), to empower the Legislature of Canada to make Laws regulating the Appointment of . . . Cap. 10. U. K.
Stamp Duties; to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, and to repeal the Stamp Duties on Licences to exercise the Faculty of Physic . . . . Cap. 36. G. B. & I.
Stock in Trade, to continue the Act 3 and 4 Vict. c. 89. for the Exemption of, from Rating . . . . . Cap. 44. E.
Superintendent in China. *See* China.
Suspension of the Militia Ballots. *See* Militia.
Survey. *See* Ordnance Survey.

Taxes, Rates, and Duties. *See* Customs. Excise. Income Tax. Stamp Duties.
Trial by Jury, to amend the Act 17 and 18 Vict. c. 59. for allowing Verdicts on, in Civil Causes, to be received, although the Jury may not be unanimous Cap. 7. S.
Trustees Relief; further to amend the Law of Property, and to relieve Trustees Cap. 35. E. & I.
Turnpike Roads and Trusts; to continue certain Turnpike Acts in Great Britain Cap. 51. G. B.
——— to confirm certain Provisional Orders made under the Act 14 and 15 Vict. c. 38. to facilitate Arrangements for the Relief of . . Cap. 33. E.

Unions. *See* Poor-Law Boards.
Universities; to repeal Part of the Act 13 Eliz. c. 29. concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them, Cap. 19. E.
——— to continue the Powers of the Commissioners under the Act 19 and 20 Vict. c. 88. concerning the University of Cambridge and the College of King Henry the Sixth at Eton . . . . . Cap. 34. E.
——— to remove Doubts as to Admission to the Office of Principal in the Universities of Scotland . . . . . Cap. 24. S.

Validity of Marriages. *See* Marriages (Lisbon).
Verdicts. *See* Trials by Jury.
Vexatious Indictments; to prevent Vexatious Indictments for certain Misdemeanors . . . . . Cap. 17. E. & I.
Victoria; to repeal, as regards the Colony of, certain Provisions of the Imperial Acts 54 Geo. 3. c. 15. and 5 and 6 Will. 4. c. 62. . . Cap. 12. U. K.
Volunteer Force; for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same . . . . Cap. 40. U. K.

Weights and Measures, to amend the Act 5 and 6 Will. 4. c. 63. relating to Cap. 56. E. & S.
West Indies. *See* Barbuda.
Westminster New Bridge, to empower the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Space for the Western Approach to Westminster New Bridge . . . . . Cap. 58. E.
Wills, Probates of, to alter the Stamp Duty payable upon . Cap. 36. G. B. & I.
See also Administration, Letters of.
Works, Commissioners of. *See* Court of Probate. Westminster Bridge.

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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1860.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-THIRD AND TWENTY-FOURTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SECOND SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION;

AND APPENDIX.

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LONDON, 31*st March* 1848. AND. RUTHERFURD.

CONTENTS.

Page

A Table of the Public General Statutes passed in the Second Session of the Eighteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

Appendix, ... 505

A Table of all the Local and Personal Acts, declared public, and to be judicially noticed, ... 531

Private Acts, printed by the Queen's Printer, and whereof the printed Copies may be given in Evidence, ... 548

Private Act, not printed, ... 549

Index to Statutes affecting Scotland, ... 551

Index to all the Public General Acts, ... 561

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

Cap. V. An Act to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the operation of the Act of the Twenty-second and Twenty-third Years of Victoria, Chapter Thirty-nine, to Indian Bonds, ... 2

Cap. VII. An Act to amend the Medical Acts, ... 5

Cap. VIII. An Act to amend the Law relating to the unlawful administering of Poison, ... 6

Cap. XIII. An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps, ... 8

Cap. XIV. An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, . . . 9

Cap. XV. An Act for granting to Her Majesty certain Duties of Stamps, 12

Cap. XXI. An Act to amend the Act for better regulating the Business of Pawnbrokers, ... 22

Cap. XXII. An Act to amend the Laws relating to the Customs, . 22

Cap. XXVIII. An Act to repeal the Act of the Seventh Year of King George the Second, Chapter Eight, commonly called "Sir John Barnard's Act," and the Act of the Tenth Year of King George the Second, Chapter Eight, ... 50

Cap. XXIX. An Act to amend an Act relative to malicious Injuries to Property, ... 51

Page

CAP. XXXIII. An Act to amend certain Provisions in the Bankrupt Law of Scotland, ... 52

CAP. XXXVI. An Act to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs, ... 54

CAP. XXXVII. An Act to levy an Assessment in the County of Inverness to discharge a Debt on the Castle-Stewart and Nairn Road in the said County, ... 56

CAP. XXXIX. An Act for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter in the County of Fife, ... 59

CAP. XLI. An Act to make perpetual An Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the exercise of certain Powers by Canal Companies being also Railway Companies, . 81

CAP. XLV. An Act to extend the Act of the Eighth and Ninth Years of Victoria, Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland, ... 82

CAP. XLVI. An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the Caledonian and Crinan Canals, 86

CAP. XLVII. An Act to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in Scotland, ... 100

CAP. XLVIII. An Act to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith, ... 102

CAP. L. An Act to Abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith, ... 110

CAP. LVIII. An Act to amend the Act of the Eighteenth and Nineteenth Years of Her Majesty relating to Friendly Societies, . 128

CAP. LXIII. An Act to amend the Act of the Twenty-first and Twenty-second Years of Victoria, Chapter Forty-nine, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion, . 132

CAP. LXV. An Act to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service, ... 133

CAP. LXVI. An Act to amend the Medical Act (1858), . . 136

CAP. LXVII. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads, ... 139

CAP. LXXV. An Act to make better Provision for the Custody and Care of Criminal Lunatics, ... 141

CAP. LXXVIII. An Act to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts, ... 147

CAP. LXXIX. An Act to provide additional Accommodation for the Sheriff Courts in Scotland, ... 153

CAP. LXXX. An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other property in Scotland, ... 162

CAP. LXXXIV. An Act for preventing the Adulteration of Articles of Food or Drink, ... 167

CAP. LXXXV. An Act to amend the Two Acts of the Seventeenth and

Page

Eighteenth Years, and of the Eighteenth Year of Her present Majesty relating to the Registration of Births, Deaths, and Marriages in Scotland, ... 173

Cap. LXXXVIII. An Act to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India, . 180

Cap. LXXXIX. An Act to extend in certain Cases the Provisions of the Superannuation Act, 1859, ... 182

Cap. XC. An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes, . . 183

Cap. XCII. An Act to amend the Law relative to the Scottish Herring Fisheries, ... 190

Cap. XCIV. An Act to amend the Laws relating to the Militia, . 203

Cap. XCV. An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artizans, by the Proprietors of entailed Estates in Scotland, ... 212

Cap. XCVI. An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements without at the Same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force, . . 214

Cap. XCVIII. An Act for taking the Census in Scotland, . . 216

Cap. XCIX. An Act to continue the Corrupt Practices Prevention Act, 1854, ... 222

Cap. C. An Act to repeal so much of the Act of the Twenty-second and Twenty-third Victoria, Chapter Twenty-seven, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty, ... 222

Cap. CII. An Act to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England, ... 223

Cap. CV. An Act to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland, 227

Cap. CVI. An Act to amend the Lands Clauses Consolidation Acts, 1845, in regard to Sales and Compensation for Land by way of a Rent-charge, annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts, ... 253

Cap. CX. An Act to consolidate the Duties of Customs, . . 257

Cap. CXI. An Act for Granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties, . 268

Cap. CXII. An Act to make better Provision for acquiring Lands for the Defence of the Realm, ... 280

Cap. CXIII. An Act to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively; to repeal the Exemption from License Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise, . 296

Cap. CXIV. An Act to reduce into one Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits, ... 313

Cap. CXV. An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments, . . 419

Page

CAP. CXVII. An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum for Scotland, ... 421

CAP. CXXVII. An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers, ... 434

CAP. CXXIX. An Act to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands, ... 434

CAP. CXXXVII. An Act to make further Provision with respect to Monies received from Savings Banks and Friendly Societies, . 439

CAP. CXXXIX. An Act to amend the Law concerning the making, keeping, and carriage of Gunpowder and Compositions of an Explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks, ... 440

CAP. CXL. An Act for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice, ... 459

CAP. CXLIII. An Act to extend certain Provisions of the Titles to Land (Scotland) Act, 1858, to Titles to Land held by Burgage Tenure; and to amend the said Act, ... 465

CAP. CXLVI. An Act to amend the Act for regulating Measures used in Sales of Gas, ... 487

CAP. CLI. An Act for the Regulation and Inspection of Mines, . 489

APPENDIX.

1° & 2° Gul. iv. cap. 32. An Act to amend the Laws in *England* relating to Game, ... 505

2° & 3° Vict. cap. 35. An Act to continue, for One Year, Compositions for Assessed Taxes, and to alter the Period for the Expiration of Game Certificates, and for Granting Licences to deal in Game. . 528

NOTE.—*The above Acts are annexed to this volume in consequence of certain Provisions they contain being extended to Scotland by the Game Certificates Act, 23° & 24° Vict. cap. 90.*

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. I.

An Act to render valid certain Marriages in the Chapel of Saint Mary in Rydal, *in the County of* Westmoreland.—[12*th* March 1860.]

CAP. II.

An Act to apply the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and sixty.*—[12*th* March 1860.]

CAP. III.

An Act to apply the Sum of Four million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.—[23*d* March 1860.]

CAP. IV.

An Act to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland *out of the Consolidated Fund.*—[23*d* March 1860.]

CAP. V.

An Act to regulate Probate and Administration with respect to certain Indian *Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act of the Twenty-second and Twenty-third Years of* Victoria, *Chapter Thirty-nine, to* Indian *Bonds.*—[23*d* March 1860.]

WHEREAS at various Times the Executive Government of *India* has raised Moneys for the Public Service by the Issue of Government Promissory Notes and by Government Loans severally payable in *India*, and by various public Notifications of the said Government, or Regulations to be made by the Secretary of State in Council, the Owners of such Notes have been or may be allowed the Privilege of having the current Interest thereon made payable in *London* by Drafts payable in *India*, and the Holders or Owners of Shares or Portions of such Loans have been or may be allowed the Privilege

lege of having the same registered and made transferable, and the Interest thereon made payable in *London:* And whereas upon the Death of the Holders of Notes as to which the said Privilege shall have been claimed Questions may arise as to the Place in which the same are properly to be deemed Assets of the deceased Owner, and it is for the Convenience and Advantage of the Estates of such Persons that the same should be deemed Assets in this Country and not in *India:* And whereas by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-four, Section Five, the Transfer of any Part of the Territorial Debt of the *East India* Company in *India* in the Books of the said Company in *England*, whether upon a Sale thereof or otherwise, was made chargeable with a Stamp Duty of One Pound Ten Shillings, and it is expedient to repeal so much of the said Act as imposes the said Stamp Duty: And whereas under the Authority of various Acts of Parliament the *East India* Company were empowered to raise Money upon Bonds to be issued under their Common Seal, and the said Bonds formerly constituted the Bond Debt of the *East India* Company, and are commonly designated *East India* Bonds: And whereas by an Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter One hundred and six, Section Sixty-seven, all Liabilities of the *East India* Company were transferred to the Secretary of State in Council: And whereas by an Act passed in the last Session of Parliament, Chapter Thirty-nine, Power was given to the Secretary of State in Council to raise Money by Bonds or Debentures or the Creation of a Capital Stock or Annuities upon or for the Repayment of any Principal Money secured under the Authority of the said Act or of either of the Acts therein recited: And whereas it is expedient to extend such Power of raising Money to the Repayment of any of the *East India* Bonds aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. All *Indian* Government Promissory Notes, and Certificates issued or Stock created in lieu thereof, being Assets of a deceased Person, the Interest whereon or in respect of which shall be payable in *London* by Drafts payable in *India*, and which at the Decease of the Owner thereof shall have been registered in the Books of the Secretary of State in Council in *London*, or in the Books of the Governor and Company of the Bank of *England*, or shall have been enfaced in *India* for the

Indian Government Notes on which Interest is payable in London, and certain Indian Gov-

ernment Promissory Notes, to be deemed Bona notabilia in England.

the Purpose of being so registered before the Decease of the Owner thereof, and all *Indian* Government Promissory Notes issued with Coupons attached which, under such Regulations and Conditions as may be determined from Time to Time by the Secretary of State in Council, shall be so registered, and all Certificates issued or Stock created in lieu thereof, shall be deemed and taken to be Personal Estate and *Bona notabilia* of such deceased Person in *England*, and Probate or Letters of Administration in *England*, or Confirmation granted in *Scotland*, and sealed with the Seal of the Principal Court of Probate in *England*, in pursuance of the Provisions of the "Confirmation and Probate Act, 1858," shall be valid and sufficient to constitute the Persons therein named the legal Personal Representatives of the Deceased with respect to such Notes and Moneys as aforesaid.

Probate, &c. or Confirmation granted in Scotland valid, &c.

Transfers of Territorial Debt and of Indian Government Loans not chargeable withStamp Duty.

II. So much of the Fifth Section of the said first-recited Act as enacts that every Transfer of any Part of the said Territorial Debt in the Books of the *East India* Company in *England*, whether upon a Sale thereof or otherwise, shall be chargeable with a Stamp Duty of One Pound Ten Shillings and no more, is hereby repealed; and no Transfer of any Part of the said Territorial Debt or of *Indian* Government Loans registered and transferable in the Books of the Secretary of State in Council in *London*, or in the Books of the Governor and Company of the Bank of *England*, shall be chargeable with any Stamp Duty.

Power to raise Money under Act 22 & 23 Vict. c. 39. extended to Repayment of East India Bonds.

III. Upon or for the Repayment of any Principal Money secured by the said Bonds, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes authorized by the said recited Act passed in the Session holden in the Twenty-second and Twenty-third Years of Her present Majesty, Chapter Thirty-nine, all or any Part of the Principal Money so repaid or to be repaid, and so from Time to Time as all or any Part of the Principal Money secured by the said Bonds may have been repaid or require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money repaid or required to be repaid; and the Provisions of the said recited Act with reference to the Creation of the Capital Stock and Annuities created under the Authority of the said Act, and with reference to the Issue, Payment, and Transfer of the Capital Stock, Annuities, Bonds, and Debentures issued under the Authority of the said Act, shall be held to be in force and to apply to the Creation, Issue, Payment, and Transfer of the Capital Stock, Annuities, Bonds, and Debentures created and issued under the Authority of this Act.

CAP. VI.

CAP. VI.

An Act to transfer to the Postmaster-General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service.—[23*d* March 1860.]

CAP. VII.

An Act to amend the Medical Acts.—[23*d* March 1860.]

WHEREAS by an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter Ninety, intituled "The Medical Act," Provision is made for the Registration of Members of the Medical Profession, and the said Act was amended by an Act passed in the Twenty-second Year of the Reign of Her Majesty, Chapter Twenty-one; and certain Disabilities are imposed by the said Acts, after a Period mentioned therein, on Members of that Profession who are not then registered: And whereas it is expedient that the said recited Acts should be amended as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 21 & 22 Vict. c. 90. 22 Vict. c. 21.

Licentiates in Surgery of any University in Ireland entitled to be registered under first-recited Act in like Manner as Masters in Surgery.

I. From and after the passing of this Act the Diploma or Licence in Surgery, granted by any University of that part of the United Kingdom called *Ireland*, legally authorized to grant the same, shall be considered a sufficient Qualification to practise under the said first-recited Act, and every Person to whom such Diploma or Licence has been granted shall be entitled to be registered under the Provisions of the said first-recited Act, in the like Manner, and with the like Effect, and subject to the like Provisions as are prescribed by the said first-recited Act in respect of the Registration of any Master in Surgery of any University of the United Kingdom.

Certain Powers given to Medical Council extended to this Act.

II. The Powers given to the Medical Council in the said first-recited Act with respect to the Studies and Examinations required for obtaining a Qualification under the said Act shall be extended to the Studies and Examinations required for a Qualification under this Act.

III. The

1st Jan. 1861 to be substituted in Sections 32, 34, 36, and 37, of first-recited Act, for 1st July 1859, so far as relates to Persons authorized to be registered under this Act.

III. The First Day of *January* One thousand eight hundred and sixty-one shall be deemed to be substituted in Sections Thirty-two, Thirty-four, Thirty-six, and Thirty-seven respectively of the said first-recited Act, as the same are amended by the said second-recited Act, for the First Day of *July* One thousand eight hundred and fifty-nine, so far as the same relate to any Person authorized to be registered under this Act; and the said several Sections, as so amended, and all the Provisions of the said Act having reference thereto, shall, with respect to any such Person so authorized to be registered under this Act, be construed and take effect as if the Words "the First Day of *January* One thousand eight hundred and sixty-one" had been originally inserted in each of the said Sections instead of the Words "the First Day of *July* One thousand eight hundred and fifty-nine."

No Person authorized to be registered under this Act disqualified to hold certain Offices, unless he has failed to be registered.

IV. No Person authorized to be registered under this Act who shall be acting as Medical Officer under an Order of the Poor Law Commissioners, or Poor Law Board, shall by reason of the said recited Acts, or either of them, be or be deemed to have been disqualified to hold such Office, or any Appointment mentioned in Section Thirty-six of the said first-recited Act, unless he shall have failed to be registered on or before the First Day of *January* One thousand eight hundred and sixty-one.

Recited Acts and this Act to be as one.

V. The said recited Acts and this Act shall be construed together as One Act.

Short Title.

VI. This Act may for all Purposes be cited as "The Medical Acts Amendment Act, 1860."

CAP. VIII.

An Act to amend the Law relating to the unlawful administering of Poison.—[23*d* March 1860.]

WHEREAS the present Law has been found insufficient to protect Persons from the unlawful administering of Poison, except in Cases where the Intent is to commit Murder: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Person maliciously administering Poison,

I. That whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing so as thereby

thereby to endanger the Life of such Person, or so as thereby to inflict upon such Person any grievous bodily Harm, shall be guilty of Felony, and being convicted thereof shall be liable to be sentenced to Penal Servitude for any Period not exceeding Ten Years and not less than Three Years, or to Imprisonment for any Term not more than Three Years, with or without Hard Labour, at the Discretion of the Court.

&c. with Intent to endanger Life or inflict grievous bodily Harm to be guilty of Felony.

II. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing with Intent to injure, aggrieve, or annoy such Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be sentenced to Imprisonment for any Period not exceeding Three Years, with or without Hard Labour, at the Discretion of the Court, and the Costs and Expenses of the Prosecution of any such Misdemeanor may be allowed by the Court as in Cases of Felony.

Any Person maliciously administering Poison, &c. with Intent to injure, aggrieve, or annoy any other Person, to be guilty of a Misdemeanor.

III. If, upon the Trial of any Person charged with the Felony above mentioned, the Jury shall not be satisfied that such Person is guilty thereof, but shall be satisfied that he is guilty of the Misdemeanor above mentioned, then and in every such Case the Jury may acquit the Accused of such Felony, and find him guilty of such Misdemeanor, and thereupon the Delinquent shall be liable to be punished in the same Manner as if convicted upon an Indictment for the Misdemeanor.

If the Jury be not satisfied that any Person charged is guilty of Felony, but guilty of Misdemeanor, they may find him guilty accordingly.

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.—[31*st* March 1860.]

CAP. X.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[31*st* March 1860.]

CAP. XI.

An Act to amend the Law relating to Endowed Schools.—[31*st* March 1860.]

This Act not to apply to Scotland or Ireland.

CAP. XII.

An Act to apply the Sum of Eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and sixty.* —[31*st* March 1860.]

CAP. XIII.

An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.—[31*st* March 1860.]

WHEREAS the Rules and Regulations of many Benefit Societies provide that any Member who shall enter himself into the Queen's Service by Sea or Land shall be excluded from such Society: And whereas a Doubt has arisen whether such a Provision applies to Members who enrol themselves in Yeomanry or Volunteer Corps: And whereas it is expedient to put an End to that Doubt: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Members of Benefit Societies not to incur Forfeiture by Enrolment as Volunteers.

Provision in case of Disputes arising.

I. No Man by reason of his Enrolment or Service in any Corps of Yeomanry or Volunteers shall lose or forfeit or be deemed to have lost or forfeited any Interest he may possess or may have possessed, at the time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

CAP. XIV.

An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices.—[3*d* April 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely resolved to grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties on Property, &c. for One Year.

I. There shall be charged, collected, and paid for One Year, commencing on the Sixth Day of *April* One thousand eight hundred and sixty, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, either by Assessment, Contract of Composition, or otherwise, the following Rates and Duties; that is to say, upon the annual Value or Amount of any Property, Profits, or Gains (except Property, Profits, and Gains described as chargeable under Schedule (B.) of the said Act) the Rate or Duty of Tenpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages described as chargeable under Schedule (B.) of the said Act, the Rate or Duty of Fivepence in *England* and Threepence Halfpenny in *Scotland* and *Ireland* respectively for every Twenty Shillings of the annual Value thereof.

Duties to be assessed and raised under Provisions of former Acts.

II. The Duties hereby granted shall be assessed, raised, levied, and collected under the Regulations and Provisions of the said last-mentioned Act and of the several Acts therein mentioned or referred to, so far as the same are or may be applicable, consistently with the express Provisions of this Act; and all the Powers, Regulations, and Penalties of the said

said Acts shall, so far as aforesaid, be applied, enforced, and put in execution with respect to the Duties granted by this Act.

The Sums assessed under certain Schedules for the last Year to be taken as the annual Value for this Act.

III. The Sum charged as the annual Value of any Property, Profits, or Gains in the several and respective Assessments made under Shedules (A.) (B.) (D.) and (E.) of the said Act for the Year ending on the Fifth Day of *April* One thousand eight hundred and sixty, shall (except as to Railways and otherwise, as herein-after provided,) be taken as the annual Value or Amount of such Property, Profits, or Gains for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty; and the Duties granted by this Act shall be computed and charged according to such annual Value or Amount, and shall be collected, levied, and paid for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty, subject, nevertheless, to be increased, abated, or discharged in like Manner as the Assessments made for the Year ending on the said Fifth Day of *April* One thousand eight hundred and sixty: Provided, whenever it shall appear that any Property, Profits, or Gains chargeable under this Act have not been charged by the Assessments made for the said last-mentioned Year, such Property, Profits, and Gains shall be assessed to the Duties granted by this Act, under the Provisions of the said several Acts applicable thereto.

Property, &c. not charged for the last Year to be assessed under this Act.

Where since the last Assessment Property has been divided, Proportions of the Tax to be settled.

IV. If since the making of any Assessment under Schedules (A.) and (B.) for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty, the Lands thereby charged shall have been divided into Two or more distinct Occupations, the Commissioners for General Purposes shall, on the Appeal of the Parties interested respectively, settle and adjust what Proportion of the Duties granted by this Act under the said Schedules shall be paid or borne by each Occupier; and the Amount apportioned on the respective Parties shall be collected and levied in like Manner as an original Assessment.

Commissioners for Special Purposes to assess Railways;

V. No Assessment shall be made under this Act by the Commissioners for General Purposes in respect of the annual Value or Profits and Gains arising from any Railway, but in lieu thereof every such Assessment shall be made by the Commissioners for Special Purposes, and upon the Value or Profits and Gains for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty, and the said last-mentioned Commissioners shall notify the Assessment to the Secretary or other Officer of the Company upon which the same shall be made, and the Amount of such Assessment shall be paid, collected, and levied in like Manner as any other Assessment made by the said Commissioners for Special Purposes.

VI. In

and also the Persons employed by Railway Companies.

VI. In like Manner as aforesaid the Commissioners for Special Purposes shall assess the Duties payable under Schedule (E.) in respect of all Offices and Employments of Profit held in or under any Railway Company, and shall notify to the Secretary or other Officer of such Company the Particulars thereof, and the said Assessment shall be deemed to be and shall be an Assessment upon the Company, and paid, collected, and levied accordingly; and it shall be lawful for the Company or such Secretary or other Officer to deduct and retain out of the Fees, Emoluments, or Salary of each such Officer or Person the Duty so charged in respect of his Profits and Gains.

Power for Persons assessed for Mines or Quarries to appeal to the Special Commissioners.

VII. It shall be lawful for any Person assessed to the Duty chargeable under Schedule (A.) of the said Act in respect of any Mine of Coal, Tin, Lead, Copper, Mundic, or Iron, or any other Mine, or any Quarry of Stone or Slate, to appeal against any such Assessment to the Commissioners for Special Purposes, instead of the Commissioners for General Purposes, if he shall think fit, and give due Notice of his Intention so to do, and thereupon such Appeal shall be heard and determined by Two or more of the Commissioners for Special Purposes in like Manner as any Appeal against an Assessment of the Duties contained in Schedule (D.) of the said Acts may lawfully be heard and determined by them; and all Powers and Authorities, Rules and Regulations, contained in the said Acts in relation to any such last-mentioned Assessment and Appeal, and to the carrying into execution and enforcing the Determination of the said Commissioners for Special Purposes thereon, shall be exercised and put in force in relation to any Appeal by this Act authorized to be made to the said last-mentioned Commissioners and their Determination thereon.

Duties to be collected and accounted for.

VIII. The several Collectors shall pay to the proper Officer for Receipt or to his Deputy all the Monies of the said Duties collected and levied by such Collectors, on the respective Days to be appointed by such Officer for Receipt or his Deputy next after the Receipt of the said Duties by the said Collectors, and shall at the same Time account for the Duties given them in charge respectively, and then payable by Law, in like Manner as they are now by Law required to account halfyearly.

Exemption where Income under £100, and Abatement where less than £150,

IX. Any Person assessed or charged to any of the Duties granted by this Act who shall prove that his aggregate annual Income is less than One hundred Pounds shall be exempt from the said Duties; and any Person who shall be assessed or charged to any of the said Duties, or shall have paid the same, either by Deduction or otherwise, and who shall claim and prove that his total Income from every Source, although amounting

amounting to One hundred Pounds or upwards, is less than One hundred and fifty Pounds a Year, for the Year of the Assessment of his Profits or Gains, shall be entitled to be relieved from so much of the said Duties assessed upon or paid by him as shall exceed the Rate of Sevenpence for every Twenty Shillings of his Profits or Gains, and such Relief shall be given in the Manner provided or directed in the like Cases by the said Act of the Sixteenth and Seventeenth Years of Her Majesty, and the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, therein mentioned.

Repayment not to be granted unless claimed within Three Years.

X. No Claim for Repayment of Duty under this Act, or any former Act relating to the Income Tax, shall be allowed unless it shall be made within Three Years next after the End of the Year of Assessment to which the Claim shall relate.

Relief in respect of Life Insurances, &c. continued.

XI. The Clauses and Provisions contained in the following Acts, that is to say, the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty-four, Section Fifty-four, another Act of the same Years, Chapter Ninety-one, an Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Thirty-five, for granting Relief to Persons who have made such Insurances or contracted for such Annuities as in the said Acts mentioned, shall be continued in force and be applied for the granting of the like Relief in regard to the Duties imposed by this Act.

CAP. XV.

An Act for granting to Her Majesty certain Duties of Stamps.—[3*d* April 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's Public Expenses, and making a permanent Addition to the Public Revenue, have freely and voluntarily resolved to grant unto Your Majesty the Duties herein-after mentioned; and do humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties on Instru-

I. The Stamp Duties now payable in the United Kingdom of

of *Great Britain* and *Ireland* for or in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, whereon other Duties are by this Act granted, shall respectively cease and determine, and shall be and the same are hereby repealed; provided that the Stamp Duties now chargeable on any of the said Instruments, Matters, and Things shall be payable in respect of such of them as shall have been or shall be made, signed, or dated at any Time before the passing of this Act; save and except that the Stamp Duties on Foreign Bills of Exchange by this Act granted shall be payable on all such Bills as shall, after the passing of this Act, be first negotiated, or, if not negotiated, paid in the United Kingdom. ments described in Schedule repealed.

II. There shall be granted, raised, levied, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, to and to the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule, or for or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Stamp Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; which said Schedule, and the several Provisions, Regulations, and Directions therein contained, with respect to the said Duties, and the Instruments, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and shall be applied and put in execution accordingly. New Duties as set forth in Schedule granted.

III. All the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description, heretofore payable in the United Kingdom, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein Provisions of former Acts to apply.

herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted.

Personal Estate appointed by Will under general Powers to be chargeable with Probate and Inventory Duties.

IV. The Stamp Duties payable by Law upon Probates of Wills and Letters of Administration, with a Will annexed, in *England* and *Ireland*, and upon Inventories in *Scotland*, shall be levied and paid in respect of all the Personal or Moveable Estate and Effects which any Person, hereafter dying, shall have disposed of, by Will, under any Authority enabling such Person to dispose of the same as he or she shall think fit; and for the Purpose of this Act such Personal or Moveable Estate and Effects shall be deemed to be the Personal or Moveable Estate and Effects of the Person so dying in respect of which the Probate of the Will or the Letters of Administration with the Will annexed of such Person are or is granted, or the Inventory is or is required to be exhibited and recorded, as the Case may be; and such Estate and Effects, and the Value thereof, shall accordingly be included in the Affidavit required by Law to be made on applying for Probate or Letters of Administration, in order to the full and proper Stamp Duty being paid.

Probate and Inventory Duties in respect thereof to be a Charge on the Property.

V. The said last-mentioned Duties shall be a Charge or Burden upon the Property in respect of which the same are so payable, and shall be paid thereout by the Trustees or Owners thereof to the Person for the Time being lawfully having or taking the Burden of the Execution of the Will or Testamentary Instrument, or the Administration or Management of the Personal or Moveable Estate and Effects of the Deceased, for the Benefit of the Persons entitled to the Personal or Moveable Estate and Effects of the Deceased.

Money secured on Heritable Property and by Heritable Bonds in Scotland to be chargeable with Probate and Inventory Duties.

VI. Money secured on Heritable Property in *Scotland*, and Money secured by *Scotch* Bonds in favour of Heirs and Assignees, excluding Executors, shall, for the Purposes of this Act, be held and interpreted to be Moveable Property, and shall be included in any Inventory to be exhibited and recorded in any Commissary Court in *Scotland* of the Estate and Effects of any Person deceased entitled thereto, and in *England* and *Ireland* respectively shall be deemed to be Estate and Effects for or in respect whereof any Probate of Will or Letters of Administration shall be granted; and every such Inventory, Probate, and Letters of Administration shall be chargeable with Stamp Duty in respect of such Moveable Property; and such Property, and the Value thereof, shall be included in any such Affidavit as aforesaid made on applying for Probate or Letters of Administration in respect thereof in *England* or *Ireland*.

Testamentary Dispositions in Scotland

VII. Whereas it is considered that certain Testamentary Dispositions in *Scotland* are chargeable with Stamp Duty, and it is expedient that the same should be exempted: Be it enacted,

enacted, That no Will, Testament, Testamentary Instrument, or Disposition *mortis causâ*, shall be chargeable with any Stamp Duty. not to be chargeable with Stamp Duty.

VIII. The Duties by this Act granted of One Penny and Threepence respectively specified in the said Schedule, and also of Sixpence, therein specified, under the Head of Cost Book Mines, may be denoted either by a Stamp impressed upon the Paper, or by an adhesive Stamp affixed thereto; and the Commissioners of Inland Revenue shall provide Stamps of both Descriptions for the Purpose of denoting the said Duties; and the Provisions and Regulations relating to adhesive Stamps contained in the next succeeding Section of this Act shall apply to all Cases where the Paper upon which the Instrument, Document, or Writing charged with the Duty shall not, at the Time of its being written, made, or signed, have thereon the proper impressed Stamp for denoting the said Duty. Certain Duties in the Schedule to be denoted either by impressed or adhesive Stamps.

IX. The Person who shall make, sign, or issue any Instrument, Document, or Writing in the Schedule to this Act mentioned, and chargeable with any of the Duties of One Penny and Threepence, shall, before he shall deliver the same out of his Hands, Custody, or Power, affix to it the proper adhesive Stamp denoting the Duty chargeable thereon or in respect of it, and shall effectually cancel and obliterate the Stamp, by writing upon it his Name, or the Name of his Firm or Principal, or the Initials thereof respectively, and the Date of the Day and Year on which he shall so write the same, and so and in such Manner as clearly and distinctly to indicate that the said Stamp has already been used, and so that it cannot, without Fraud, be again made use of; and if any Person who ought so to affix any such Stamp, and to cancel and obliterate the same, shall refuse or neglect so to do, or if any Person shall receive or take by way of Security or Indemnity any of the said Instruments, Documents, or Writings, or shall deliver out or authorize the Delivery out of any Goods, Wares, or Merchandise to which the same relates, the said Instrument, Document, or Writing not having a proper adhesive Stamp affixed thereto, and cancelled and obliterated as hereby required, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds; and no Charge for Brokerage, Commission, Agency, or otherwise, made or to be made by any Broker, Agent, or other Person in or about the Sale or Purchase mentioned or referred to in any such Instrument, Document, or Writing made by him, shall be lawful, unless such Instrument, Document, or Writing shall be duly stamped as by this Act is required: Provided that no Person shall be subject or liable to the said Penalty for delivering any Goods, Wares, or Merchandise, The Persons making the Instruments to affix adhesive Stamps, and cancel same. In default, Penalty £20. No Charge for Brokerage, &c. to be lawful unless Instrument, &c. shall be duly stamped.

chandise, under the Authority of any unstamped Order, in any Case where the Value of such Goods, Wares, and Merchandise shall therein be stated by the Person making, signing, or issuing the same to be under the Value of Forty Shillings.

Penalty for fraudulently stating Goods to be under the Value of 40s.

X. If any Person who shall make, sign, or issue any Order for, or any Writing or Document authorizing the Delivery of any Goods, Wares, or Merchandise by this Act charged with the Stamp Duty of One Penny, shall knowingly and wilfully state or permit to be stated therein that the said Goods, Wares, or Merchandise are or is under the Value of Forty Shillings, he shall, unless the said Order, Writing, or Document shall, at the Time of its being issued, be stamped to denote the said Duty, forfeit the Sum of Twenty Pounds.

The Person requesting the Entry of Transfer of any Share to affix and cancel an adhesive Stamp.

In default, Penalty £20.

XI. The Person who shall write or sign any Note, Instrument, or Writing requesting or authorizing the Purser or other Officer of any Mining Company conducted on the Cost Book System to enter or register the Transfer of any Share or Shares or Part of any Share in any Mine, or shall give any Notice in Writing to such Purser or other Officer of any such Transfer, in whatever Form such Notice shall be, shall, in like Manner as herein-before provided, affix thereto the proper adhesive Stamp to denote the Duty by this Act charged thereon, and cancel and obliterate the same; and if he shall refuse or neglect so to do, or if the Purser or other Officer to whom such Request, Authority, or Notice shall be addressed, delivered, sent, or given shall enter or register the Transfer of any Share mentioned or referred to in such Notice, or shall comply with or in any way give effect to such Notice, the same not being stamped as by this Act is required, every such Person so offending shall forfeit the Sum of Twenty Pounds.

The Payers of Foreign Bills to cancel Stamps.

In default, Penalty £20.

XII. Whenever any Bill of Exchange, Draft, or Order having thereon an adhesive Stamp shall be presented for payment, the Person to whom the same shall be presented shall, upon paying the same, write or impress or cause to be written or impressed upon every Stamp affixed to the Bill the Word "paid," to the end that the Stamp may be more effectually cancelled, and made incapable of being used again; and in default of so doing he shall forfeit the Penalty of Twenty Pounds.

The Stamps on Foreign Bills to be adhesive.

The Provisions of 17 & 18 Vict. c. 83.

XIII. The Duties by this Act granted upon or in respect of Bills of Exchange, Drafts, or Orders, drawn out of the United Kingdom, shall be denoted by adhesive Stamps, in like Manner as the Duties now payable on Bills of Exchange drawn out of the United Kingdom; and all the Clauses, Provisions, Directions, Regulations, Penalties, and Forfeitures contained in the Act passed in the Seventeenth and Eighteenth Years of Her Majesty's

Majesty's Reign, Chapter Eighty-three, relating to adhesive Stamps on Bills of Exchange drawn out of the United Kingdom, as well as in this Act, so far as the same are applicable, shall be applied and put in force in respect of the Stamp Duties on Bills of Exchange by this Act granted, as fully and effectually as if the same were herein repeated and re-enacted. to be applied.

XIV. If any Person shall fraudulently remove or cause to be removed, or assist in removing, from any Instrument, Document, or Writing of any kind, any adhesive Stamp, or shall affix any Stamp which shall have been so removed to any other Instrument, Document, or Writing chargeable with Stamp Duty, or to any Paper, with Intent that such Stamp might be used again; or if any Person shall sell, or offer for Sale, or utter any Stamp, or shall utter any Instrument, Document, or Writing with any Stamp thereon which shall have been so as aforesaid removed, knowing the same to have been removed, or shall practise or be concerned in any fraudulent Act, Contrivance, or Device not specially provided for, with Intent to defraud Her Majesty of the Duty, he shall forfeit, over and above any other Penalty to which he may be liable, the Sum of Fifty Pounds. Penalty on committing Frauds in relation to adhesive Stamps.

XV. Where an Instrument or Writing chargeable under this Act with the Duty of Sixpence, as an Agreement, shall be unstamped, and it shall appear thereby that the Matter thereof is under the Value of Twenty Pounds, the Penalty payable to Her Majesty, Her Heirs or Successors, on stamping the same, shall be Twenty Shillings, over and above the said Duty, in lieu of the Penalty now by Law payable on stamping an Agreement under Hand only. Penalty on stamping an Agreement under the Value of £20 to be 20s. only.

SCHEDULE referred to,

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

SCHEDULE.	Duty.
AGREEMENT for a Lease or Tack of any Lands, Tenements, Hereditaments, or Heritable Subjects for any Term not exceeding Seven Years; and Agreement, Minute, or Memorandum of Agreement, containing the Terms and Conditions on which any Lands, Tenements, Hereditaments, or Heritable Subjects are let, held, or occupied for any such Term as aforesaid.	The same Duty as on a Lease or Tack for the Term, Rent, Consideration, and Conditions mentioned in such Agreement, Minute, or Memorandum.

SCHEDULE.	Duty.
Provided that any Lease or Tack of the same Lands, Tenements, Hereditaments, or Heritable Subjects afterwards made, in pursuance of and conformably to any such Agreement, Minute, or Memorandum, which shall have actually paid the Duty payable on such Lease or Tack as aforesaid, shall not be chargeable with any higher Stamp Duty than Two Shillings and Sixpence, exclusive of progressive Duty, notwithstanding any Variation in the Terms or Conditions only, not affecting the Stamp Duty; and in any such Case the Lease or Tack shall, if required for the sake of Evidence, be stamped with a particular Stamp for denoting or testifying the Payment of the full and proper Stamp Duty on the Agreement, Minute, or Memorandum, on the same and the Agreement, Minute, or Memorandum being produced, and appearing to be executed or signed, and duly stamped in all other respects.	
AGREEMENT, or any Minute or Memorandum of an Agreement, made in England or Ireland under Hand only, or made in Scotland without any Clause of Registration, and not otherwise charged nor expressly exempted from all Stamp Duty, where the Matter thereof shall be of the Value of Five Pounds or upwards, whether the same shall be only Evidence of a Contract, or obligatory upon the Parties from its being a written Instrument; together with every Schedule, Receipt, or other Matter put or indorsed thereon or annexed thereto - - - - -	£ s. d. 0 0 6
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words a further progressive Duty of - - - - -	0 0 6
Provided always, that where divers Letters shall be offered in Evidence to prove any Agreement between the Parties who shall have written such Letters, it shall be sufficient if any of such Letters shall be stamped with a Duty of One Shilling, although the same shall in the whole contain any Quantity of Words exceeding 2,160.	
BILL OF EXCHANGE, Draft, or Order for the Payment of Money exceeding 4,000*l.*, now chargeable with the Stamp Duty of 2*l.* 5*s.*; For every 1,000*l.* or Part of 1,000*l.* of the Money thereby made payable, ...	0 10 0
BILL OF EXCHANGE (Foreign) drawn in a Set of Three or more for the Payment of Money exceeding 4,000*l.*, where every Bill of the Set is now chargeable with the Stamp Duty of Fifteen Shillings; Every Bill of the Set, for every 1,000*l.*, or Part of 1,000*l.* of the Money thereby made payable, ...	0 3 4

SCHEDULE.	Duty.
BILL OF EXCHANGE, DRAFT, or ORDER (Foreign) drawn or endorsed out of the United Kingdom for the Payment of Money on Demand, ...	The same Duty as on an Inland Bill of Exchange for the Payment of Money otherwise than on Demand, according to the Amount thereby made payable.
All Bills, Drafts, or Orders for the Payment by any Banker or Person acting as a Banker of any Sum of Money, though not made payable to the Bearer or to Order, and whether delivered to the Payee or not ; and all Writings or Documents entitling or intended to entitle any Person whatever to the Payment from or by any Banker or Person acting as a Banker of any Sum of Money, whether the Person to whom Payment is to be made shall be named or designated therein or not, or whether the same shall be delivered to him or not, shall respectively be deemed to be Bills, Drafts, or Orders for the Payment of Money chargeable with Stamp Duty, as if the same had been made payable to Bearer or to Order.	
Provided always, that any One Document or Writing, although directing the Payment of several Sums of Money to different Persons, shall be chargeable with Stamp Duty as One Order only.	
Exemptions.	
Any Draft or Order drawn by any Banker upon any other Banker, not payable to Bearer or to Order, and used solely for the Purpose of settling or clearing any Account between such Bankers.	
Any Letter written by a Banker to any other Banker directing the Payment of any Sum of Money, the same not being payable to Bearer or to Order, and such Letter not being sent or delivered to the Person to whom Payment is to be made, or to any Person on his Behalf ; and all Warrants or Orders for the Payment of any Annuity granted by the Commissioners for the Reduction of the National Debt, or for the Payment of any Dividend or Interest on any Share in the Government or Parliamentary Stocks or Funds, and all Drafts or Orders drawn by the Accountant-General of the Court of Chancery in England or Ireland, shall be exempt from all Stamp Duty.	
COPY.—Certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials	£ s. d. 0 0 1
The said Duty to be paid by the Person requiring any such Copy or Extract.	

SCHEDULE.	Duty.
Exemptions. *Copies of Entries of Baptisms, Marriages, and Burials transmitted to the Registrar of the Diocese, in pursuance of the* 52 *Geo.* 3. *c.* 146. *Certified Copies of Registers sent by Superintending Registrars to the General Registrar, in pursuance of the* 6 *&* 7 *W.* 4. *c.* 86. *And Copies or Extracts made or given under or in pursuance of the* 7 *Victoria, c.* 15., *to amend the Laws relating to Labour in Factories.*	
COST BOOK MINES.—Any Note, Instrument, or Writing requesting or authorizing the Purser or other Officer of any Mining Company conducted on the Cost Book System to enter or register any Transfer of any Share or Shares or Part of a Share in any Mine; or any Notice to such Purser or Officer of any such Transfer	£ s. d. 0 0 6
DECLARATION in lieu or in the Nature of an Affidavit, in any Case where, if the same were an Affidavit, it would be chargeable with any Stamp Duty	The same Duty as would be chargeable on such Affidavit.
DELIVERY ORDER.—Any Writing or Document commonly called a Delivery Order, or by whatever Name the same shall be designated, entitling or intended to entitle any Person therein named, or his Assigns, or the Holder thereof, to the Delivery of any Goods, Wares, or Merchandise of the Value of Forty Shillings or upwards, lying in any Dock or Port or in any Warehouse in which Goods are stored or deposited on Rent or Hire, or upon any Wharf, such Writing or Document being signed by or on behalf of the Owner of such Goods, Wares, or Merchandise, upon the Sale or Transfer of the Property therein	0 0 1
DOCK WARRANT.—Any Warrant or Document commonly called a Dock Warrant, or any other Writing or Document, by whatever Name the same shall be designated, which shall evidence the Title of any Person therein named, or his Assigns, or the Holder thereof, to the Property in any Goods, Wares, or Merchandise lying in any Dock or Warehouse or upon any Wharf, such Writing or Document being signed or certified by or on behalf of the Company or Person in whose Custody such Goods, Wares, or Merchandise may be	0 0 3
Exemption. *Any Writing or Document given by any Inland Carrier acknowledging the Receipt of Goods conveyed by such Carrier.*	
LETTER or POWER of ATTORNEY for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds not exceeding in Value £20; or for the Receipt of any Sum of Money, or any Cheque, Note, or Draft for any Sum of Money, not exceeding £20; or Dividends or Interest of any such Stocks or Funds, or any other periodical Payments not exceeding the annual Sum of £10	0 5 0

CAP. XVI.

An Act to make further Provision concerning Mortgages and other Dispositions of Property belonging to Municipal Corporations in England *and* Ireland.—[15*th* May 1860.]

CAP. XVII.

An Act to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[15*th* May 1860.]

CAP. XVIII.

An Act to amend the Acts relating to Marriages in England *and* Ireland, *by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers.*—[15*th* May 1860.]

CAP. XIX.

An Act to extend the Act to facilitate the Improvement of Landed Property in Ireland, *and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in* Ireland.—[15*th* May 1860.]

CAP. XX.

An Act for raising the Sum of Thirteen million two hundred and thirty thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.—[15*th* May 1860.]

CAP. XXI.

An Act to amend the Act for better regulating the Business of Pawnbrokers.—[15*th* May 1860.]

WHEREAS by an Act of Parliament passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, intituled *An Act for better regulating the Business of Pawnbrokers*, it is enacted, that every Pawnbroker shall, at the Time of the taking of every Pawn, Pledge, or Exchange whatsoever, give to the Person or Persons so pawning, pledging, or exchanging the same a Note or Memorandum containing a Description thereof, with other Particulars, as in the Sixth Section of the said Act mentioned, and that every such Note, where the sum lent shall be less than Five Shillings, shall be delivered gratis: And whereas it is expedient that Amendment should be made with respect to such Delivery: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

39 and 40 G. 3, c. 99.

Pawnbrokers may charge One Halfpenny for Notes describing Things pawned under 10s.

I. Upon and from the Commencement of this Act it shall be lawful for all Persons using and exercising the Trade or Business of a Pawnbroker to take One Halfpenny for every such Note or Memorandum as aforesaid where the Sum lent shall be less than Ten Shillings, anything in the said Act contained to the contrary notwithstanding; and the said Sixth Section of the said Act shall be read and construed as if it contained no Enactment for the Delivery of any Note or Memorandum gratis.

Payment for Pawns of 10s. or upwards to remain as stated in Sect. 6 of recited Act.

II. Provided always, That for every such Note or Memorandum where the Sum lent shall be Ten Shillings or upwards, the respective Sum specified in such Behalf in the said Sixth Section shall and may be taken as heretofore.

CAP. XXII.

An Act to amend the Laws relating to the Customs.—[15*th* May 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

Duty of Customs on Chicory.

I. The following Duty of Customs shall be charged on the Article next herein-after mentioned, on Importation into *Great Britain* and *Ireland*, on and after the Eleventh Day of *February* One thousand eight hundred and sixty; that is to say,

	£	s.	d.
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz.			
——— raw or kiln dried . . the Cwt.	0	6	0

As to Duties and Drawbacks of Customs on Wine.

II. In lieu of the Duties and Drawbacks of Customs now charged or allowed on the Articles under mentioned, the following Duties of Customs shall, on and after the Twenty-ninth Day of *February* One thousand eight hundred and sixty, be charged thereon, on Importation into *Great Britain* and *Ireland*, until the Thirty-first Day of *December* One thousand eight hundred and sixty inclusive; that is to say,

Wine of or from Foreign Countries:	£	s.	d.
——— Red . . . . the Gallon	0	3	0
——— White . . . . . the Gallon	0	3	0
——— Lees of such Wine . . the Gallon	0	3	0

With an Allowance for Drawback on Exportation until the said Thirty-first Day of December One thousand eight hundred and sixty inclusive of Three Shillings per Gallon on such Wine exported or used as Ship's Stores, but no Drawback shall be granted on Lees of Wine.

On and after the 1st Day of January 1861—
And without any Allowance for Drawback.

Wine containing less than the following Rates of Proof Spirit, verified by Sykes's Hydrometer; viz.

	18 Degrees.			26 Degrees.			40 Degrees.			If imported in Bottles.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
——— of or from Foreign Countries:—												
Red . the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
White . the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
Lees of such Wine, the Gallon, . .	0	1	0	0	1	6	0	2	0	0	2	0
——— the Growth and Produce of any British Possession:—												
Red . the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
White . the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
Lees of such Wine, the Gallon . .	0	1	0	0	1	6	0	2	0	0	2	0

Provided

Power to Commissioners of Customs to limit Ports of Importation.

Provided always, That the Commissioners of Customs may by their Order from Time to Time determine into what Ports in *Great Britain* and *Ireland* Wine may or may not be imported; and all Wine imported into any Port contrary thereto shall be forfeited or otherwise dealt with as the said Commissioners may see fit to direct.

Power to Commissioners of Inland Revenue to make Allowances on Wine in Stock.

III. It shall and may be lawful for the Commissioners of Inland Revenue, and they are hereby authorized and empowered, to allow or cause to be allowed to all and every Licensed Dealer and Dealers in Wine in *Great Britain* and *Ireland* Two Shillings and Ninepence for every Gallon of Wine (reckoning Six reputed Quart Bottles to the Gallon) for which all the Duties repealed by this Act shall have been paid, and which was in Stock, and was the sole Property of any such Dealer or Dealers, on the Tenth Day of *February* One thousand eight hundred and sixty; provided always, that such Dealer shall prove, to the Satisfaction of the Commissioners of Inland Revenue, that the Customs Duty has been paid by him within the respective Times herein-after limited on an equal or greater Quantity of Wine of the like Description, (that is to say,) if the Wine be *Portugal* or *French* Red Wine, within Two Years, or, if the same be any other Foreign Wine, within Six Months, preceding respectively the said last-mentioned Day; and if the Wine in Stock be greater than the Quantity on which he shall have paid Duty as last aforesaid, then he shall be allowed the said Two Shillings and Ninepence *per* Gallon on the said last-mentioned Quantity: Provided also, that no such Allowance shall be made to any such Dealer or Dealers in Wine unless he or they respectively shall hold a Licence to deal in Wine for which he shall have paid the Duty of Ten Guineas, or a Licence to retail Wine to be consumed on the Premises, and a Licence to deal in Spirits, or be a Person authorized to sell Wine under the Provisions of the Act Six *George* Fourth, Chapter Eighty-one, Section Thirty; nor unless such Dealer shall show to the Satisfaction of the Officers of Excise or Inland Revenue that he has not received into his Stock or had on the same Premises any *Cape* Wine, Wine from the *Channel Islands*, or Sweets, and that he has conformed in all other respects to the Regulations of the Commissioners of Excise or Inland Revenue and Customs issued from Time to Time in relation to Wine on which any Allowance of Duty was intended to be claimed in the event of a Reduction of the Customs Duty thereon; nor unless such Dealer shall have made the Declaration in respect of his Stock of Wine as the Commissioners of Excise or Inland Revenue shall have required, and the Truth whereof shall have been verified, when required,

required, by Examination of the said Stock and of the Stock and Bin Book of such Dealer; nor unless all such Wine entered by such Dealers shall have been accompanied by a Duplicate Warrant from the Customs, and every such Warrant shall have been lodged with the Excise within One Month from its Date; nor unless such Dealer shall have at all Times kept open to the Inspection of the Officers of Excise or Inland Revenue a Stock Book containing the Stock originally declared, and also Entries of every Parcel subsequently received in or delivered out, and a separate Entry of all Wine exported; nor unless at the Time of claiming the Allowance hereby granted such Dealer shall make a Declaration of the Quantity and Description of his Stock, verified as aforesaid, and the same, and the Stock Book, shall be found correct; provided also, that every such Dealer shall, on claiming such Allowance, make a solemn Declaration whether any and how much of such Wine in his Possession on the Tenth Day of *February* One thousand eight hundred and sixty has been exported on Drawback between the said Tenth Day of *February* One thousand eight hundred and sixty and Twenty-eighth Day of the same Month inclusive; and no Allowance shall be granted in respect of Wine so exported on Drawback between those Days.

Power to Treasury to authorize Payment of Monies advanced by Commissioners of Inland Revenue.

IV. The Commissioners of Inland Revenue shall cause a separate Account to be kept of all Sums of Money paid or advanced by them as Allowances under the Authority of this Act; and it shall be lawful for the Commissioners of the Treasury and they are hereby empowered, by Warrant under their Hands, from Time to Time to authorize and require the Comptroller of the Exchequer to pay over, out of the Consolidated Fund or the growing Produce thereof, such Sum or Sums of Money so paid or advanced as they shall think proper to the Account of the Receiver General of Inland Revenue; and all such Sums of Money so paid over to such last-mentioned Receiver General shall be applied and dealt with in the same Manner as Monies arising or coming to his Hands from Duties of Inland Revenue.

Duties charged upon Goods, &c. herein mentioned, imported, to cease on and after March 3, 1860, except as to Articles against Arms;

V. The Duties of Customs chargeable upon the Goods, Wares, and Merchandise next herein-after mentioned, imported into *Great Britain* and *Ireland*, shall cease and determine on and after the Third Day of *March* One thousand eight hundred and sixty, except as to Articles against which other Dates are inserted; that is to say,

Agates or Cornelians, set	for every L.100 Value.
Apples, raw	the Bushel.
——— of and from British Possessions	the Bushel.

which other Dates are inserted.

Arms; viz.
——— Swords, Cutlasses, Matchets, Bayonets, Gun Barrels, Gun Locks, Cannon and Mortars of Iron, not mounted, nor accompanied with Carriages . . the Cwt.
——— Cannon and Mortars of Brass, not mounted, nor accompanied with Carriages . . . the Cwt.
——— Cannon and Mortars, mounted, or accompanied with Carriages, and other Fire-arms; viz., Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sort not enumerated, and Pistols, for every L.100 Value.
Brass, Manufactures of, not otherwise enumerated . the Cwt.
Brocade of Gold . . . . . the lb.
——— of Silver . . . . . the lb.
Bronze, Manufactures of, or of Metal, bronzed or lacquered, the Cwt.
Canes, Walking Canes, or Sticks, mounted, painted, or otherwise ornamented . . . . the 100.
——— Umbrella and Parasol Sticks . . . the 100.
Caoutchouc, Manufactures of . . . the lb.
Cherries, raw . . . . the Bushel.
China or Porcelain Ware, plain, painted, gilt, or ornamented, the Cwt.
Clocks; viz.
——— not exceeding the Value of 5s. each . . the Dozen.
——— exceeding the Value of 5s. and not exceeding the Value of 12s. 6d. each . . . . the Dozen.
——— exceeding the Value of 12s. 6d. and not exceeding the Value of L.3 each . . . . each.
——— exceeding the Value of L.3 and not exceeding the Value of L.10 each . . . . . each.
——— exceeding the Value of L.10 each . . each.
Corks, squared for rounding . . . . the Cwt.
Cotton Manufactures; viz.
——— Fringe . . . . . the lb.
——— Gloves of Cotton or Thread . . the Dozen Pairs.
——— Stockings of Cotton or Thread . the Dozen Pairs.
——— Socks or Half Hose of Cotton or Thread the Dozen Pairs.
——— Articles or Manufactures of Cotton, wholly or in part made up, not otherwise enumerated every L.100 Value.
Earthenware, not otherwise enumerated or described the Cwt.
Embroidery and Needlework; viz.
——— on Silk, or Silk mixed with other Materials, not being Silk Net, . . . every L.100 Value.
——— of and from British Possessions every L.100 Value.
——— Silk Net, figured with the Needle, being imitation Lace, and Articles thereof . . . the lb.
——— Cotton Net, figured with the Needle, being imitation Lace, and Articles thereof . . . . the lb.
——— Curtains commonly called Swiss, embroidered on Muslin or Net, ... the lb.

Embroidery

Embroidery and Needlework—*continued.*
——— all other Embroidery not enumerated every L.100 Value.
——— of and from British Possessions every L.100 Value.
Feathers:—
——— Ostrich, dressed . . . . the lb.
——— Paddy Bird, dressed . . . . the lb.
——— not otherwise enumerated or described; viz.
Dressed . . . . the lb.
Flowers, Artificial . . . . per Cubic Foot.
Fruit, raw, not otherwise enumerated . . the Bushel.
Grapes . . . . . the Bushel.
Gutta Percha, Manufactures of, not moulded . . the Cwt.
——— Articles, moulded . . . . the lb.
Hair: Manufactures of Hair or Goats Wool, or of Hair or Goats Wool and any other Material, wholly or in part made up, ... for every L.100 Value.
Hats or Bonnets; viz.
——— of Chip . . . . the lb.
——— of Bast, Cane, or Horsehair . . . the lb.
——— of Straw . . . . the lb.
——— of Hair, Wool, or Beaver . . . each.
——— of Felt . . . . . each.
Hats of Silk or Silk Shag, laid upon Felt, Linen, or other Material . . . . . each.
Iron and Steel, wrought or manufactured; viz.
——— Machinery, Wrought, Castings, Tools, Cutlery, and other Manufactures of Iron or Steel, not enumerated the Cwt.
——— fancy ornamental Articles of Iron or Steel . the Cwt.
——— Manufactures of, coated with Brass or Copper by any Galvanic Process . . . . the Cwt.
Jewels, Emeralds, and other Precious Stones, set for every L.100 Value.
Lace, and Articles thereof; viz.
——— Mohair or Worsted . . . . the lb.
——— Thread or Cotton Pillow Lace (not being Brussels, Point, or Saxon Bone Lace), not exceeding One Inch in Width, the lb.
Lace, exceeding One Inch in Width . . . the lb.
—— Silk Pillow Lace (not being Saxon Wire Ground Lace), and Application . . . . . the lb.
—— Silk Saxon Wire Ground Lace, and all Lace known as Maltese . . . . . the lb.
—— Brussels Point and other Lace made by the Hand, not otherwise enumerated . . for every L.100 Value.
Lead, Manufactures of, not otherwise enumerated . the Cwt.
Leather Manufactures (except Gloves); viz.
——— Boots, Shoes, and Calashes . . the Dozen Pairs.
——— Women's Boots and Calashes . . the Dozen Pairs.
—— if lined or trimmed with Fur or other Trimmings . . . the Dozen Pairs.

Leather

Leather Manufactures—*continued.*

Women's Shoes with Cork or double Soles, quilted Shoes and Clogs . . . . the Dozen Pairs.

—— if trimmed or lined with Fur or any other Trimming . . . . . the Dozen Pairs.

—— of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather . . the Dozen Pairs.

—— if trimmed or lined with Fur or any other Trimming . . . . the Dozen Pairs.

——— Girls' Boots, Shoes, and Calashes, not exceeding Seven Inches in Length . . . . the Dozen Pairs.

——— Men's Boots and Shoes:

—— if the Quarter do not exceed Two and Three Quarter Inches, or the Vamp Four Inches in Height from the Sole inside . the Dozen Pairs.

—— if either the Quarter or Vamp exceed the above Dimensions, but do not exceed Six Inches in Height from the Sole inside . the Dozen Pairs.

—— if either the Quarter or Vamp do exceed Six Inches in Height from the Sole inside the Dozen Pairs.

——— Boys' Boots, not exceeding Seven Inches in Length the Dozen Pairs.

—— Shoes, not exceeding Seven Inches in Length the Dozen Pairs.

——— Boot Fronts, not exceeding Nine Inches in Height the Dozen Pairs.

—— exceeding Nine Inches in Height the Dozen Pairs.

——— Boot Backs . . . . . the Dozen Pairs.

—— cut into Shapes . . . . . the Cwt.

Gloves of Leather, after the 1st August 1860:

Habit Mitts . . . . . the Dozen Pairs.

—— Gloves . . . . . the Dozen Pairs.

Men's Gloves . . . . . the Dozen Pairs.

Women's Gloves or Mitts . . the Dozen Pairs.

Any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, . . for every L.100 Value.

Linen or Linen and Cotton Manufactures; viz.

——— Cambric Handkerchiefs, hemmed or hem stitched, not trimmed, ... the Dozen.

——— Articles, Manufactures of Linen, or of Linen mixed with Cotton or Wool, wholly or in part made up, not particularly enumerated . . for every L.100 Value.

Lucifers, of Wood . . . . the Cubic Foot.

——— Vesta, of Wax . . . . the 1000 Matches.

Medlars . . . . . the Bushel.

Morphia and its Salts . . . . . the lb.

Musical

Musical Instruments; viz.
——— Musical Boxes, small, not exceeding Four Inches in Length, ... the Air.
——— ——— large . . . . the Air.
——— ——— Overtures or Extra Accompaniments the Air.
——— Pianofortes, viz., Horizontal Grand . . each.
——— ——— Upright or Square . . each.
——— Harmoniums or Seraphines . . . each.
——— Accordions, viz., commonly called Chinese, the 100 Notes.
——— ——— other Sorts, including Flutinas and Concertinas, ... the 100 Notes.
——— of Brass, Copper, or any other Metal, and Parts of such, the lb.
——— not otherwise enumerated or described for every L.100 Value.
Oil of Almonds . . . . . the lb.
—— Bays . . . . . the lb.
Oil, Chemical, Essential, or Perfumed; viz.
—— Bergamot . . . . . the lb.
—— Carraway . . . . . the lb.
—— Cassia . . . . . the lb.
—— Cloves . . . . . the lb.
—— Lavender . . . . . the lb.
—— Lemon . . . . . the lb.
—— Mint and Spearmint . . . . the lb.
—— Oil or Otto of Roses . . . . the lb.
—— Peppermint . . . . . the lb.
—— Spike . . . . . the lb.
—— Thyme . . . . . the lb.
—— unenumerated . . . . . the lb.
Opera Glasses, single . . . . . each.
——— double, and all Marine and Race Glasses, not being Telescopes . . . . each.
Pears, raw . . . . . the Bushel.
Percussion Caps . . . . the 1000.
Perfumery, not otherwise enumerated . . . the lb.
Quinces . . . . . the Bushel.
Quinine, Sulphate of . . . . . the oz.
Silk; viz.
——— Millinery of Silk, or of which the greater Part of the Material is Silk; viz.
Turbans or Caps . . . . each.
Hats or Bonnets . . . . each.
Dresses . . . . . each.
——— Corahs, Choppas, Bandannas, Tussore Cloths, Romals, and Taffaties; viz.
in Pieces not exceeding 6¼ Yards in Length the Piece.
—— exceeding 6¼ and not exceeding 7¼ Yards in Length . . . . the Piece.

Silk

Silk—*continued.*

in Pieces exceeding 7¼ and not exceeding 12 Yards in Length . . . . the Piece.

——— China Crape Shawls, Scarfs, Handkerchiefs, and Pieces; viz.

Plain and Damask . . . . the lb.

Embroidered . . . . the lb.

Damask . . . the running Yard.

——— Pongees; viz.

in Pieces not exceeding 15 Yards in Length the Piece.

——— exceeding 15 and not exceeding 21 Yards in Length . . . . the Piece.

——— exceeding 21 and not exceeding 31 Yards in Length . . . the Piece.

——— Handkerchiefs, plain and figured, in Pieces not exceeding 9 Yards in Length . . . the Piece.

——— ——— exceeding 9 Yards and not exceeding 18 Yards in Length . . . . the Piece.

——— Manufactures of Silk or of Silk and any other Material, not being Articles wholly or in part made up, not particularly enumerated . for every L.100 Value.

——— ——— of and from a British Possession for every L.100 Value.

——— Articles, Manufactures of Silk, or of Silk and any other Material, not particularly enumerated for every L.100 Value.

——— ——— of and from a British Possession for every L.100 Value.

——— Manufactures of Silk, or of Silk mixed with Metal or any other Material the produce of Europe; viz.

Silk or Satin, plain, striped, figured, or brocaded; viz.

Broad Stuffs . . . . the lb.

Articles thereof not otherwise enumerated the lb.

——— Gauze or Crape, plain, striped, figured, or brocaded; viz.

Broad Stuffs . . . . . the lb.

Articles thereof not otherwise enumerated . the lb.

——— Gauze, mixed with Silk, Satin, or any other Materials, the Gauze being in less Proportion than One Half Part of the Fabric; viz.

Broad Stuffs . . . . the lb.

Articles thereof not otherwise enumerated the lb.

——— Velvet, plain or figured; viz.

Broad Stuffs . . . . . the lb.

Articles thereof not otherwise enumerated . the lb.

——— Broad Stuffs, the Foundation of which is wholly composed of Cotton or other Materials than Silk . the lb.

——— Ribbons, plain Silk, of One Colour only . the lb.

Plain Satin, of One Colour only . . the lb.

Silk or Satin, striped, figured, or brocaded, or plain Ribbons of more than One Colour . . the lb.

Silk

Silk—*continued.*

Gauze or Crape, plain, striped, figured, or brocaded the lb.
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric . . . . the lb.
Velvet or Plush, wholly of Silk, or of Silk mixed with Cotton, not exceeding Nine Inches in Width; viz.
Plain, or embossed by Depression, without Satin or Fancy Edge . . . . the lb.
Figured, brocaded, striped, or spotted, or with Fancy or Satin Edge, and Silk Ribbons in any way mixed or ornamented with Velvet or Plush . . . . the lb.
Fancy Silk Net or Tricot . . the lb.
Plain Silk Lace or Net called Tulle . the lb.
Manufactures of Silk, or of Silk mixed with other Materials, called Plush, not being Ribbons the lb.
Articles thereof not otherwise enumerated the lb.
Black Plush, commonly used for making Hats the lb.
Parasols and Umbrellas . . each.
Damask of Silk and Wool, or of Silk and other Materials, for Furniture . . the lb.
Manufactures of Silk, or of Silk mixed with any other Materials, not particularly enumerated for every L.100 Value.

Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed . . . . . the Dozen Pairs.
Sulphuric Acid . . . . . the lb.
Toys; viz.
Marbles . . . . . the Cwt.
All other Toys . . . the Cubic Foot.
Turnery, not otherwise described . . the Cubic Foot.
Watches; viz.
Watches of Gold, Silver, or any other Metal, exceeding the Value of L.10 each . . . each.
——— Gold, open Faces . . . . each.
——— Hunter . . . . . each.
——— Repeaters . . . . . each.
——— Silver or any other Metal not Gold . . each.
——— ——— open Faces . . . . each.
——— ——— Hunters . . . . each.
——— ——— Repeaters . . . . each.
Woollens; viz.
——— Articles or Manufactures of Wool (not being Goat's Wool) or of Wool mixed with Cotton; viz.
——— Carpets and Rugs . . the Square Yard.
——— Shawls, Scarfs, and Handkerchiefs, plain . the lb.
——— ——— Printed . . . . the lb.

Woollens

Woollens—*continued.*			
——— Gloves	the Dozen Pairs.		
——— wholly or in part made up, not otherwise charged with Duty . . .	for every L.100 Value		

Goods being either in part or wholly manufactured, and not being enumerated or described, and not prohibited to be imported into or used in Great Britain or Ireland; but if any such Goods shall be composed of any Article liable to Duty as a Part or Ingredient thereof, then such Goods shall be chargeable with the full Duty payable on such Article, or if composed of more than One Article liable to Duty then with the full Duty payable on the Article charged with the highest Rate of Duty.

In lieu of Duties on Articles under mentioned, the Duties herein named shall be charged until the Days hereinafter mentioned; after those Days the Duties to cease.

VI. In lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, on their Importation into *Great Britain* and *Ireland*, the following Duties of Customs shall, on and after the Sixth Day of *March* One thousand eight hundred and sixty, be charged, until the respective Days herein-after mentioned; and from and after those Days respectively the said Duties shall cease and determine; that is to say,

		L.	*s.*	*d.*
Until the 31st Day of March 1862 inclusive.				
Corks, ready made . . .	the lb.	0	0	3
Until the 31st Day of March 1861 inclusive.				
Hats or Bonnets; viz.				
Of Chip	the lb.	0	1	3
Of Bast, Cane, or Horsehair .	the lb.	0	1	3
Of Straw	the lb.	0	1	3
Until the 1st day of August 1860 inclusive.				
Leather Manufactures; viz.				
——— Gloves of Leather—				
——— Habit Mitts . .	the Dozen Pairs	0	1	2
——— —— Gloves . .	the Dozen Pairs	0	1	9
——— Men's Gloves . .	the Dozen Pairs	0	1	9
——— Women's Gloves or Mitts	the Dozen Pairs	0	2	3

Duties on Paper, &c.

VII. In lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* the following Duties of Customs shall, on and after the Sixth Day of *March* One thousand eight hundred and sixty, and until the Fifteenth Day of *August* One thousand eight hundred and sixty, inclusive, be charged, and that from and after that Date the Duties shall be the same as the Excise Duties for the Time being on Paper of *British* Manufacture.

Paper; viz.		*L*	*s.*	*d.*
——— Printed, painted, or stained Paper Hangings, or Flock Paper .	the Cwt.	0	14	0
——— Pasteboard . . .	the Cwt.	0	15	0

VIII. In

VIII. In lieu of the Duties of Customs now charged on the Articles under mentioned the following Duties of Customs shall, on and after the Sixth day of *March* One thousand eight hundred and sixty, be charged thereon on Importation into *Great Britain* and *Ireland*; viz. In lieu of Duties now charged on Spirits, the Duties herein named to be charged.

	L.	*s.*	*d.*
Spirits or Strong Waters, not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon . . . . . the Gallon	0	8	6
Spirits of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8 have or shall have been fulfilled . . the Gallon	0	8	3
——— Rum Shrub, Liqueurs and Cordials, of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid the Gallon	0	8	3
——— Rum of and from any Foreign Country, being the Country of its Production the Gallon	0	8	3
——— Rum from any Country not being the Country of its Production . the Gallon	0	8	6
——— Tafia of and from any Colony of France the Gallon	0	8	3
——— other Spirits, being sweetened or mixed, so that the Degree of Strength cannot be ascertained as aforesaid, and perfumed Spirits, to be used as Perfumery only the Gallon	0	12	0
Spirits or Strong Waters, imported into the United Kingdom, mixed with any Ingredient, and, although thereby coming under some other Designation, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.			
——— Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon) . . . each	0	0	5
——— ——— when not in Flasks, as perfumed Spirits . . the Gallon	0	12	0

IX. The Duties of Customs chargeable upon the Goods, Wares, and Merchandise herein-after next mentioned, imported Duties on Articles herein

named to cease on and after March 7, 1860.

ported into *Great Britain* and *Ireland*, shall, on and after the Seventh Day of *March* One thousand eight hundred and sixty, cease and determine; that is to say,

Almonds, not Jordan, nor Bitter	the Cwt.
Jordan	the Cwt.
Ammunition; viz.	
Shot, large and small, of Lead	the Cwt.
of Iron	the Cwt.
Rockets and other Combustibles for Purposes of War, and not otherwise enumerated or described	Value.
Apples, dried	the Bushel.
Baskets	the Cubic Foot.
Beads; viz.	
Arango	the lb.
Coral	the lb.
Crystal	the lb.
Jet	the lb.
not otherwise enumerated or described	the lb.
Boxes; viz.	
Brass	the Cwt.
not otherwise charged with Duty	Value.
Butter	the Cwt.
of and from a British Possession	the Cwt.
Candles; viz.	
Spermaceti	the Cwt.
Stearine	the Cwt.
Tallow	the Cwt.
Wax	the Cwt.
Capers, including the Pickle	the lb.
Cassia Lignea	the lb.
Cheese	the Cwt.
of and from a British Possession	the Cwt.
Cinnamon	the lb.
Cloves	the lb.
Coculus Indicus	the Cwt.
Copper, Manufactures of, not otherwise enumerated or described, and Copper Plates engraved	the Cwt.
Coral Negligees	the lb.
Daguerreotype Plates	the lb.
Dates	the Cwt.
Eggs of and from a British Possession	the Cubic Foot of the Package, internal Measurement.
Extract; viz.	
of Cardamoms	Value.
Coculus Indicus	Value.
Guinea Grains of Paradise	Value.
Liquorice	Value.
Nux Vomica	Value.

Extract

Extract—*continued.*	
Opium	Value.
Guinea Pepper	Value.
Peruvian or Jesuits Bark	Value.
Quassia	Value.
Radix Rhataniæ	Value.
Vitriol	Value.
or Preparation of any Article, not particularly enumerated	Value.
Ginger	the Cwt.
Glass; viz.	
Flint Cut Glass, Flint Coloured Glass, and Fancy ornamental Glass of whatever Kind	the Cwt.
Gongs	the Cwt.
Grains, Guinea and of Paradise	the Cwt.
Japanned or Lacquered Ware	the Cwt.
Liquorice; viz.	
Paste	the Cwt.
—— of and from British Possessions	the Cwt.
Powder	the Cwt.
——— of and from British Possessions	the Cwt.
Juice	the Cwt.
Mace	the lb.
Mustard; viz.	
Flour	the Cwt.
mixed or manufactured, except Flour	the Cwt.
Nutmegs; viz.	
except those commonly called Wild	the lb.
Wild in the Shell	the lb.
—— not in the Shell	the lb.
or other Spices, or Admixtures thereof, ground	the lb.
Nuts; viz.	
Small Nuts	the Bushel.
Walnuts	the Bushel.
Nux Vomica	the Cwt.
Oilcloth	the Square Yard.
Onions	the Bushel.
Opium	the lb.
Oranges and Lemons	the Bushel.
Pears, dried,	the Bushel.
Pewter, Manufactures of, not otherwise enumerated	the Cwt.
Pimento	the Cwt.
Platting; viz.	
of Chip, not being of greater Value than Sixpence per Piece of 60 Yards	the lb.

Platting

Platting—*continued.*		
	or other Manufactures of Straw, Chip, or other Materials to be used in or proper for making or ornamenting Hats or Bonnets, not otherwise enumerated	the lb.
	Cordonet Single, and Twist of Straw or of other Materials	the lb.
	Willow Squares	the Cwt.
Pomatum		the lb.
Quassia		the Cwt.
Rice; viz.		
	not rough nor in the Husk	the Cwt.
	rough and in the Husk	the Quarter.
Salacine		the oz.
Sauces not otherwise enumerated		the lb.
Scaleboards		the Cwt.
Seeds, Caraway		the Cwt.
——— of and from British Possessions		the Cwt.
Ships, Foreign-built, broken up, or sold to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired or not		Value.
Soap; viz.		
	Hard	the Cwt.
	Soft	the Cwt.
	Naples	the Cwt.
	Scented or Fancy Soap	the lb.
Soy		the Gallon.
Spa Ware		the Cubic Foot.
Spelter or Zinc, Manufactures of, not otherwise enumerated		the Cwt.
Stearine		the Cwt.
Tallow		the Cwt.
——— of and from British Possessions		the Cwt.
Tin; viz.		
	Foil	the Cwt.
	Manufactures of, not otherwise enumerated	the Cwt.
Veneers		the Cwt.
Washing Balls		the lb.
Yarn, Woollen or Worsted; viz.		
	Commonly called Berlin Wool, or Zephyr Yarn, and Woollen and Worsted Yarn of Two or more Threads; viz.	
	Scoured, bleached, or coloured	the lb.
	Not scoured, bleached, or coloured	the lb.

In lieu of Duties now

X. In lieu of the Duties of Customs now chargeable on the Articles next mentioned, imported into *Great Britain* and *Ireland*,

land, the following Duties of Customs shall, on and after the Seventh Day of *March* One thousand eight hundred and sixty, be charged; that is to say,

Articles herein named, the reduced Duties to be charged on and after March 7, 1860.

		L.	*s.*	*d.*
Plate of Gold	the oz. Troy	0	17	0
——— Silver, Gilt or Ungilt	the oz. Troy	0	1	6
Powder; viz.				
Hair Powder	the Cwt.	0	0	4½
Perfumed	the Cwt.	0	0	4½
Vermicelli and Maccaroni	the Cwt.	0	0	4½
Currants	the Cwt.	0	7	0
Figs	the Cwt.	0	7	0
Fig Cake	the Cwt.	0	7	0
Raisins	the Cwt.	0	7	0

Duties now charged on Tea, Sugar, &c., continued until 1st July 1861.

XI. The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of *April* One thousand eight hundred and sixty until the First Day of *July* One thousand eight hundred and sixty-one, on Importation into *Great Britain* and *Ireland;* that is to say,

		L.	*s.*	*d.*
Tea (without any Allowance for Draft)	the lb.	0	1	5
Cherries, dried	the lb.	0	0	2
Comfits, dry	the lb.	0	0	2
Confectionery	the lb.	0	0	2
Ginger, preserved	the lb.	0	0	2
Marmalade	the lb.	0	0	2
Plums, preserved in Sugar	the lb.	0	0	2
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	the lb.	0	0	2
Sugar; viz.				
Candy, Brown, or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
Cane Juice	the Cwt.	0	10	4
Molasses	the Cwt.	0	5	0

The

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned, on and after the First Day of *April* One thousand eight hundred and sixty until the First Day of *July* One thousand eight hundred and sixty-one; that is to say,

	L.	*s.*	*d.*
Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard, No. 3, approved by the Lords of the Treasury . . for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the expense of the Exporters for every Cwt.	0	17	2
Upon Refined Sugar unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2 approved by the Lords of the Treasury for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2 for every Cwt.	0	12	8

Duties on Timber and Wood.

XII. In lieu of the Duties of Customs now chargeable on Wood and Timber, as denominated in the Table A. to the "Tariff Act, 1855," Foreign and Colonial, on Importation into *Great Britain* and *Ireland*, the following Duties of Customs shall

shall, on and after the Eighth *March* One thousand eight hundred and sixty, be charged; that is to say,

		L.	*s.*	*d.*
Wood and Timber, hewn, and Lathwood	the Load	0	1	0
Sawn or split, planed or dressed	the Load	0	2	0
Firewood, not exceeding 3 Feet in Length . . .	the Load	0	1	0

The following Duties of Customs shall be charged on and after the Eighth of *March* One thousand eight hundred and sixty, on the Goods under mentioned, on Importation into *Great Britain* and *Ireland;* that is to say,

		L.	*s.*	*d.*
Teak and Wood for Shipbuilding Purposes	the Load	0	1	0
Mahogany, Hard Wood, or Furniture Woods; viz. Box Wood, Beef Wood, Cedar, Ebony, King Wood, Lignum Vitæ, Maple, New Zealand Wood, Olive Wood, Purple Wood, Rose Wood, Satin Wood, Santa Maria Wood, Speckled Wood, Sweet Wood, Tulip Wood, Walnut Wood, Zebra Wood, Furniture Wood unenumerated, not being Ash, Beech, Birch, Elm, Oak, and Wainscot	the Ton	0	1	0
Staves, not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor $3\frac{1}{4}$ Inches in Thickness (except Staves for Herring Barrels) .	the Load	0	1	0

Drawback on Wood Goods.

The following Drawbacks shall, from and after the Eighth Day of *March* One thousand eight hundred and sixty, be allowed on Exportation to Foreign Parts of the several Descriptions of Wood and Timber, whether Foreign or Colonial, herein-after mentioned; that is to say,

		L.	*s.*	*d.*
Wood and Timber, hewn, and Lathwood	the Load	0	1	0
Sawn or split, planed or dressed	the Load	0	2	0
Teak and Wood for Shipbuilding Purposes	the Load	0	1	0
Mahogany, Hard Wood, or Furniture Woods	the Ton	0	1	0
Staves not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor $3\frac{1}{4}$ Inches in Thickness (except Staves for Herring Barrels)	the Load	0	1	0

Provided that no such Drawback shall be allowed unless the Person claiming the same shall make and subscribe a Declaration that the Goods in respect of which he claims such Drawback are of Foreign or Colonial Produce, as the Case may be.

Duties on Timber to be paid on First Importation.

XIII. The Duty on Timber and Wood Goods shall be paid on the First Importation thereof, and no such Goods shall be warehoused under the Laws in force for the warehousing of Goods

Goods in Warehouses approved for the warehousing of Goods without Payment of Duty on the First Entry thereof, either for Home Consumption, Exportation, or otherwise.

Duty on Ships.

XIV. On and after the Twenty-first Day of *March* One thousand eight hundred and sixty, there shall be charged upon all Ships, Foreign-built, of Wood, and upon all Ships built of Wood in any of Her Majesty's Possessions abroad, on the Registration thereof as *British* Ships at any Port or Place for the Registry of *British* Ships in *Great Britain* and *Ireland*, the Duties of Customs following; that is to say,

	s.	*d.*
For every Ton of the gross Registered Tonnage of such Ships, without any Deduction in respect of Engine Room or otherwise	1	0

Rates payable on Delivery of Goods from Warehouse for Home Consumption.

XV. Upon Goods deposited in any Warehouse for the Security of Duties of Customs, and in addition to such Duties of Customs, or any other Charges payable thereon, there shall be paid at the Time of Delivery from the Warehouse for Home Consumption the Rates following; that is to say,

For every L.100 of Customs Duty payable on the Goods.	*L.*	*s.*	*d.*
Upon such Goods, not being Tobacco or Sugar, as shall not have been removed under Bond from any such Warehouse in any Port or Place to any other Warehouse in any other Port or Place	0	5	0
Upon such Goods, not being Tobacco or Sugar, as shall have been so removed under Bond. .	0	10	0
Upon Tobacco which shall not have been so removed under Bond	0	2	6
Upon Tobacco which shall have been so removed under Bond	0	5	0
Upon Sugar which shall not have been so removed under Bond	0	5	0
Upon Sugar which shall have been so removed under Bond	0	10	0

Provided that the extra Rates above charged upon any Goods which shall have been removed under Bond shall not apply to Removals under Bond to Warehouses in Ports or Places which now possess the Privilege of bonding.

Rates on Imports as herein stated.

XVI. There shall be charged (irrespective of any Duties of Customs or other Rates or Charges payable by Law) upon the Importation of all Goods into *Great Britain* and *Ireland*, except Corn, Grain, and Flour, and Timber and Wood Goods, and Goods in Transit exported under Bond, and Goods imported for Exportation in the same Ship, provided they be so reported, the respective Rates and Charges following; that is to say,

Goods

	s.	d.
Goods in Packages or Parcels, per Package or Parcel or other Unit of Entry	0	1
Goods in Bulk by Weight, Measure or Number for each Unit of Entry	0	1
Animals per Head or other Unit of Entry . .	0	1
And there shall be charged upon every Customs Bill of Lading, on the Exportation of any Goods from Great Britain and Ireland	1	6

XVII. The Term Unit of Entry shall mean the Number of Packages or Animals or Quantity of Goods made chargeable with the Rate of One Penny in manner herein-after provided. Definition of Unit of Entry.

XVIII. It shall be lawful for the Lords of the Treasury or the Commissioners of Customs to fix or adjust the Number or Quantity of Goods which shall constitute the Unit of Entry chargeable with the Rate of One Penny, having regard to the Value of the Goods, and from Time to Time to alter and vary the same as they may see fit, so that the said Rate of One Penny shall exceed as little as may be in their Judgment Five Shillings for every Hundred Pounds Sterling upon the lowest ordinary Value of the Article to which such Charge attaches. Power to adjust Unit of Entry.

XIX. The Rates of One Penny *per* Unit of Entry on Goods imported into *Great Britain* and *Ireland* imposed by this Act shall be paid or denoted by adhesive Stamps provided in pursuance of this Act; and every Person liable to pay such Rates or Charges shall affix the proper Stamp or Stamps, representing the Amount required for that Purpose, to such Document or Documents, at such Time or Times and in such Manner, and shall present the same to such Officer of Customs, as the Commissioners of Customs shall at any Time and from Time to Time order or direct; and no such Document shall be received or acted upon by the proper Officer of Customs for the Purpose for which the same is intended if the Stamp or Stamps affixed thereto shall be of less Value or Amount than the Rates due and payable in respect of the Goods or Packages comprised in such Document, nor unless the same shall be the proper Stamp or Stamps applicable to such Document, and be clear and unobliterated, and not have been used before. Rates to be paid by Stamps.

XX. The Importer of any Goods liable to the Rate of One Penny *per* Unit of Entry, but free of Duties of Customs upon Importation thereof, shall at the Time of Entry, or before Delivery of such Goods, furnish Particulars according to the Description of the Goods imported and other Characters and Circumstances set forth in respect of such Goods in the Tariff to this or any other Act relating to the Customs in force for the Time being, or in the event of any Alteration in the Mode of Particulars of Free Goods Inwards.

of describing such Goods or any of them being directed by the Lords of the Treasury, then as to such Goods according to such Alteration or Direction, and shall make and subscribe a Declaration at the Foot thereof of the Truth of such Particulars; and the same may be written upon the Entry or other Document to which the Stamps representing the Sum payable in respect of such Unit of Entry are affixed at the Time of presenting the same, or in case of Entry by Bill of Sight, or by imperfect Entry for the Purpose of clearing the Ship, then on the perfect Entry at the Time of perfecting such Entry, and in the latter Cases the One Penny per Unit of Entry shall be paid on the perfecting of such Entry before the Delivery of the Goods; and if such Particulars shall be untrue the Person making such Declaration shall forfeit and pay a Penalty of Forty Shillings.

Construction of the Term "Bill of Lading."

XXI. The Term "Bill of Lading" shall be construed to mean and include any Bill of Lading or other Instrument equivalent thereto or used in the Place thereof, on the Consignment or forwarding of any Goods to Foreign Parts, or which shall or may be used by any Shipper, Carrier, Forwarder, or Consignee, Broker, or other Person as and for or to serve the Purpose of a Bill of Lading on the Exportation of Goods, whether shipped direct from the Port of Shipment, or forwarded by Railway, Canal, or other Mode of Transit or Carriage, to any Port or Place for Shipment, and also to mean and include the Shipping Bill now required under "The Customs Consolidation Act, 1853," if the Commissioners of Customs shall order and direct that the same shall be used and accepted in *London*, or at any other Port or Place, as and for the Bill of Lading required by this Act; and the Customs Bill of Lading shall be a Counterpart of such Bill of Lading or other Instrument as aforesaid, except where the Shipping Bill shall be used and accepted as aforesaid as and for the Bill of Lading, in which Case such Shipping Bill shall be the Customs Bill of Lading, and shall contain the Name and Address of the Exporter of the Goods therein mentioned, or his Agent, and an accurate Specification of the Marks, Numbers, Description, Quantity, and Value of the Goods comprised therein, showing separately those which are of *British* Manufacture and those which are Foreign, imported free of Duty, or on which all Duties have been paid, and are not to be drawn back, shall be endorsed on such Counterpart or annexed thereto, or be included in such Shipping Bill where the same shall be used and accepted as aforesaid; and shall, when received by the proper Officer of Customs, be deemed to be the Entry Outwards, so far as relates to any Goods comprised therein in respect whereof no Bond

Bill of Lading to be deemed the Entry Outwards

Bond is required on the Exportation thereof; and no such Bill of Lading or other Instrument as aforesaid in respect of any Goods exported shall be valid if it contain or include the Goods of more than One Consignor, nor if the Goods be for Delivery from such Consignor to more than One Person or Firm under the Consignment thereby made; and every Person who shall make, sign, or utter any Bill of Lading or other Instrument as aforesaid contrary hereto shall be deemed to have evaded the Stamp Duty on each separate Consignment mentioned therein, and shall forfeit and pay a Penalty of Five Pounds, in addition to treble the Amount of Stamp Duty so evaded.

of Free Goods, but not to include more than One Consignment.

Penalty.

XXII. The "Customs Bills of Lading," not being in the Form of a Shipping Bill, relating to the Goods exported by any Ship, together with the Specification herein-before required to be endorsed thereon or annexed thereto, shall either before or within Twenty-four Hours after the final Clearance of such Ship be delivered by the Exporter of such Goods or his Agent to the proper Officer of Customs, with a Declaration subscribed by him that such Specification is true, except where it shall be found more convenient to the Exporter of the Goods to postpone the Endorsement or Delivery of such Specification, in which Case he shall by himself or his Agent, either before or within such Twenty-four Hours, deliver to the proper Officer of Customs the "Customs Bills of Lading," and shall within Six Days thereafter deliver to the proper Officer of Customs separately the Specification of the Goods contained in such "Customs Bill of Lading," with the like Declaration of the Truth thereof; provided that where the Shipping Bill shall be used and accepted as and for the Customs Bill of Lading, the same shall be delivered prior to the Shipment of the Goods, and shall contain all the Particulars required to be given in the Endorsement on the Bill of Lading or Specification herein-before referred to, unless it shall be found more convenient to postpone the Delivery of such Particulars, in which Case the Shipping Bill shall not be required to contain more than the Marks and Numbers, and Number of the Packages and general Denomination of the Goods, with the Name and Address of the Exporter or his Agent; but in such Case the Specification herein-before required shall be delivered within Six Days after the final Clearance of the Ship, as in the Case of Postponement of Specification, and with the like Declaration of the Truth thereof; and it shall be lawful for the proper Officer of Customs to call for the Invoice, Bills of Lading, Bills of Parcels, and such other Documents as relate to the Goods as he may think necessary to test the Accuracy of such Specification, and every Person in whose Hands the same

Bills of Lading to be delivered within Time prescribed.

Penalty on failing to comply with foregoing Requirements.

same may be shall produce the same when so required; and if such Exporter or his Agent, or other Person, shall fail to comply with such of the foregoing Requirements as respectively relate to him, he shall forfeit and pay for every such Offence a Penalty of Forty Shillings: Provided also, that these Requirements shall not apply to any Cargoes or Parts of Cargoes which shall have been shipped under the Regulations in force prior to the passing of this Act: Provided also, that it shall be lawful for the Commissioners of Customs to extend the Time or Times within which the Customs Bill of Lading, with or without the Specification endorsed thereon or annexed thereto, or the Specification separately, at any Port or Place as they may see fit, shall or may be delivered to the proper Officer of Customs.

Bills of Lading, &c., relating to Goods conveyed by Forwarders.

XXIII. When any Goods are delivered by any Exporter or his Agent to any Carrier or Forwarder, for the Purpose of being conveyed by Railway, Canal, or other Mode of inland Carriage or Transit, to and to be exported from any Port of Shipment, by or for such Carrier or Forwarder, such Exporter or his Agent shall in all Cases where a Shipping Bill is now required by Law prepare and sign, adding thereto his Address, Place of Abode or Business, and deliver to such Carrier or Forwarder, the Customs Bill of Lading or Shipping Bill as required by this Act on the Exportation of Goods, and such Carrier or Forwarder shall obtain the Signature of the Master of such Ship to such Bill of Lading, and shall, either before or within Twenty-four hours after the final Clearance of such Ship, deliver such Bill of Lading to the proper Officer of Customs at the Port of Shipment; and if such Customs Bill of Lading shall not at the Time of the Delivery thereof to such proper Officer be endorsed with the Specification by this Act required on the Exportation of Goods, the Exporter or his Agent shall, within Six Days after the final Clearance of the exporting Ship, transmit to the proper Officer of Customs of the Export Department at the Port of Shipment the separate Specification by this Act required in Cases where the Exporter or his Agent postpones the Endorsement upon or Delivery of such Specification, with the Customs Bill of Lading; and every Exporter, Agent, Carrier, Forwarder, or Broker who shall fail to comply with such of the Requirements hereby made as relate to him or them respectively shall forfeit and pay a Penalty of Forty Shillings; and every such Carrier or Forwarder who shall convey any Goods to any Port of Shipment, to be there shipped and exported by or for him, without such Customs Bill of Lading in respect thereof, shall forfeit and pay for every such Offence the Sum of Forty Shillings.

Penalty on Exporter, &c., failing to comply with Requirements hereby made.

XXIV. When

Meaning of the Terms "Carrier or Forwarder" and "Goods" as used in this Act.

XXIV. The Term "Carrier or Forwarder" shall be understood to mean and apply to any public Carrier or other Person undertaking the Through-Carriage by Land and Sea of any Goods to Foreign Parts, or the Carriage of any Goods to any Port or Place of Shipment, to be there shipped and exported to Foreign Parts by or for him; and the Term "Goods" as used in this Act shall be understood to mean Goods, Wares, and Merchandise exported in the Way of Trade, and shall not apply to small Parcels or other Articles in respect of which Shipping Bills have not been required under the Customs Laws prior to the passing of this Act.

Penalty on Exporter, &c., shipping without Bill of Lading.

XXV. If any Exporter, Shipper, or other Person shall have shipped or caused to be shipped for Exportation to Parts beyond the Seas any Goods for which the Customs Bill of Lading shall not have been delivered within the Time specified by this Act after the final Clearance of the exporting Ship to the proper Officer of Customs, or for which the Shipping Bill, where the same shall be used and accepted as aforesaid as and for the Customs Bill of Lading, shall not have been so delivered prior to the Shipment of the Goods, such Exporter, Shipper, or other Person so offending shall forfeit and pay a Penalty of Twenty Pounds.

Master or Owner to deliver a Manifest of Goods shipped.

XXVI. The Master or Owner of every Ship in which any Goods shall be shipped for Exportation shall by himself or his Agent, within Six Days after the final Clearance outwards of such Ship, deliver to the proper Officer of Customs a Manifest of all the Goods so shipped, containing the Marks and Numbers and the Number and Description of the Packages distinguishing each Consignment, and furnishing the Names of the respective Consignors and the Number of Consignees according to the Sets of Bills of Lading relating to such Consignments; and the Person delivering such Manifest as hereinbefore required shall make and subscribe a Declaration at the Foot thereof that such Manifest contains a true Account of all the Goods exported in such Ship in accordance with the Requirements of this Act; and if he shall fail to deliver such Manifest within the Time hereby required, or to make and subscribe such Declaration at the Foot thereof, he shall forfeit and pay a Penalty of Twenty Pounds; but if the whole of the Bills of Lading relating to the Goods exported in any Ship, and duly signed by the Master or his Agent, shall be delivered by him to the proper Officer of Customs either at or within Twenty-four Hours after the final Clearance outwards of such Ship, with a Declaration that they represent, to the best of his Knowledge and Belief, the whole of the Cargo exported in such Ship, the Delivery of the Manifest may be dispensed with; or

or in case such Manifest, if delivered, shall contain all the Information required to be given in the endorsed or separate Specification herein-before prescribed, with a Declaration at the Foot thereof, subscribed by the Master or his Agent that the same is true, such Manifest shall be accepted and taken by the proper Officer of the Customs in lieu of such Specification.

Customs Bill of Lading, &c. Evidence.

XXVII. In case the Customs Bill of Lading, the Endorsements thereon, Shipping Bill, Specifications relating thereto, or Manifests herein-before referred to, be required to be used as Evidence in any Court of Law, or in any Proceedings before Justices as to the Transactions to which they refer, Copies thereof, certified by the proper Officer of Customs, shall be admissible for that Purpose without Production of the Original; and any Person interested therein requiring Inspection or certified Copies thereof shall pay to such Officer the following Fees; that is to say, for every such Inspection the Sum of One Shilling, and for every certified Copy not exceeding One thousand and eighty Words and Figures the Sum of Two Shillings and Sixpence, and the like Sum for every additional One thousand and eighty Words and Figures; and such Fees shall be carried to Account with the Commissioners of Customs as Monies, not Duties.

Payment of Duty on Customs Bill of Lading to be by an adhesive Stamp.

XXVIII. The Payment of the Duty of One Shilling and Sixpence imposed by this Act upon every Customs Bill of Lading shall be denoted by an adhesive Stamp affixed thereto, of the Value of One Shilling and Sixpence, and for that Purpose such Stamps only as are provided and issued in pursuance of this Act shall be used, and shall be clear, unobliterated, and not have been used before.

Customs Bill of Lading to be valid if not stamped.

XXIX. No "Customs Bill of Lading" shall be valid without a Stamp of the Value of One Shilling and Sixpence thereon, nor shall any other Bill of Lading be valid without the Stamp of Sixpence thereon already imposed by Law; and any Person signing or using any Customs Bill of Lading or other Bill of Lading without the proper Stamp thereon shall forfeit and pay the Sum of Forty Shillings for every such Offence: Provided always, that the Forfeiture and Payment of the Penalty hereby imposed shall not exempt the Party liable thereto from any Penalties imposed by or for any Breach of the Laws in force relating to Stamps and Taxes involved therein.

Averments in Informations, &c.

XXX. In any Suit, Information, Complaint, or other Proceeding for the Recovery of any Penalty to which the Exporter or his Agent shall have rendered himself liable by the Non-delivery or Non-transmission to the proper Officer of the Port of Shipment within the Time prescribed, of the Specification herein-before

herein-before required, either by due Endorsement thereof on the Customs Bill of Lading, or by separate Specification, the Averment that such Specification has not been duly endorsed on such Bill of Lading, or that such separate Specification, as the Case may be, has not been delivered to the proper Officer at the Port of Shipment, shall be sufficient, without other Proof of such Fact; provided that the Customs Bill of Lading, signed by such Exporter or his Agent, with a Certificate thereon under the Hand of such proper Officer, that such Specification had not been delivered to him within the Time prescribed for that Purpose, shall be produced to the Court or Justice before whom such Information or Proceeding may be had, by any Officer of Customs or Inland Revenue, or other Person duly authorized by the Commissioners of Customs to sue for said Penalty, and it shall not be necessary to adduce any Proof of the Handwriting of such Exporter or his Agent to such Bill of Lading, or of the Handwriting of such proper Officer to such Certificate, or of the Fact that he is the proper Officer, unless the Defendant in any such Case shall prove to the contrary.

Stamps to be provided by Inland Revenue.

XXXI. It shall be lawful for the Lords of the Treasury, by Warrant under their Hands, to order and direct the Commissioners of Inland Revenue from Time to Time to provide proper and sufficient Dies or other Implements for expressing and denoting the Rates or Duties which shall be directed by any such Warrant as aforesaid, and to give any other Orders and make any other Regulations relative thereto they may consider expedient.

Rates to be deemed Stamp Duties.

XXXII. The Rates or Duties which shall be expressed or denoted by any such Dies as aforesaid shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, Fines, Forfeitures, Pains, and Penalties contained in or imposed by the several Acts now in force relating to Stamp Duties (so far as the same may be applicable) shall be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Paper on which the same shall be impressed or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the Rates or Duties denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Clauses, Regulations, and Directions, Allowances, Fines, Forfeitures, Pains,

Pains, and Penalties had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Rates or Duties respectively: Provided always that, except as herein-after is mentioned, no Allowance for Poundage or otherwise shall be granted to any Person in respect of any Stamps required by this Act, other than to Distributors of Stamps or other Persons appointed for that Purpose by the Commissioners of Inland Revenue or Customs, or Persons licensed to deal in Stamps under the Provisions of the Third and Fourth *William* the Fourth, Chapter Ninety-seven.

Customs Stamp Distributors to be appointed.

XXXIII. The Commissioners of Customs may appoint any Officers, Clerks, or other Persons in the Service of the Customs to act as Distributors of the Stamps required under this Act, subject to such Regulations and Directions as the said Commissioners shall see fit, and no such Officers, Clerks, or other Persons shall be required to take out any Licence to deal in or sell or distribute such Stamps.

Inland Revenue to account with Customs the Proceeds arising from Stamp Duties.

XXXIV. The Commissioners of Stamps and Taxes shall cause a separate Account to be kept of the Stamp Duties arising under this Act, and shall direct their Receiver General to pay over, from Time to Time, when required by the Commissioners of Customs, the Proceeds arising from the said Stamp Duties, after deducting therefrom the Costs and Expenses incurred by them in the Management and Distribution of such Stamps, or otherwise incident thereto, to the Account of the Public Monies of the Receiver General of Her Majesty's Customs at the Bank of *England*: and all such Sums of Money which shall be so paid over shall be applied and dealt with, under the Direction of the Commissioners of Customs, in the same Manner as Monies accruing from Duties of Customs paid over to such Account of the Receiver General of Customs under the Laws and Regulations relating to the Customs.

Allowance for Stamps spoiled, &c.

XXXV. The Commissioners of Customs may from Time to Time make Regulations for the Allowance of such of the Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, or where the Rates or Duties represented thereby have been paid in Error or remitted, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed for, or by repaying the Amount or Value to the Owner thereof.

Where Contracts

XXXVI. And whereas Contracts may have been made before the said Tenth Day of *February* One thousand eight hundred

hundred and sixty for the Delivery free of Duty after that Day of Goods or Commodities the Duties of Customs on which are hereby lowered or repealed: Be it therefore enacted, That any Person who shall or may, before the said Tenth Day of *February* One thousand eight hundred and sixty, have made or entered into any such Contract or Agreement as the Purchaser or Consignee of such Goods or Commodities, may and is hereby authorized and empowered to deduct from the Sum payable by him under such Contract or Agreement the Amount of the Duties which, if this Act had not passed, would have been payable in respect of such Goods or Commodities, and he shall not be liable to pay or be sued in respect of such Deduction. entered into before 10th February 1860 Deduction to be made in respect of Duty.

XXXVII. This Act shall come into operation at the Expiration of Six Days from the Day of the passing thereof, except as otherwise provided therein; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Tariff Amendment Act, 1860." Commencement of Act. Short Title.

CAP. XXIII.

An Act to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford *University Commissioners.*—[25*th* May 1860.]

CAP. XXIV.

An Act to remove Doubt as to the Validity of certain Marriages in Extra-parochial Places.—[25*th* May 1860.]

CAP. XXV.

An Act to apply the Sum of Nine million five hundred thousand Pounds out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and sixty.—[25*th* May 1860.]

CAP. XXVI.

An Act to remove Doubts as to the Application of "The Common Lodging-Houses Acts" to Ireland, *and to amend the Provisions of the same so far as they relate to* Ireland.—[25*th* May 1860.]

CAP. XXVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the Licensing of Refreshment Houses and the granting of Wine Licences.—[14*th* June 1860.]

§ XLVI. This Act shall not extend to *Scotland* or *Ireland*.

CAP. XXVIII.

An Act to repeal the Act of the Seventh Year of King George *the Second, Chapter Eight, commonly called "Sir* John Barnard's *Act," and the Act of the Tenth Year of King* George *the Second, Chapter Eight.*—[14*th* June 1860.]

7 G. 2, c. 8. 10 G. 2, c. 8.

WHEREAS an Act was passed in the Seventh Year of the Reign of King *George* the Second, Chapter Eight, to prevent the Practice of Stock-jobbing, and by another Act passed in the Tenth Year of the said King's Reign, Chapter Eight, the said first-mentioned Act was made perpetual: And whereas the said Acts impose unnecessary Restrictions on the making of Contracts for the Sale and Transfer of Public Stocks and Securities, and it is therefore expedient to repeal the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed.

I. From and after the passing of this Act the said Two several Acts before mentioned shall be and the same are hereby repealed.

CAP. XXIX.

An Act to amend an Act relative to malicious Injuries to Property.—[14*th* June 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of His late Majesty *George* the Fourth, Chapter Thirty, intituled *An Act for consolidating and amending the Laws of* England *relative to malicious Injuries to Property:* And whereas it is expedient to amend the said Act, and in certain Cases to make further and better Provisions: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 7 & 8 G. 4. c. 30.

Persons damaging Steam Engines, &c. used in working Mines guilty of Felony, and liable to Punishments as in recited Act.

I. That if any Person shall unlawfully and maliciously pull down or destroy or damage with Intent to destroy or to render useless, or shall stop, obstruct, or hinder the working of any Steam Engine or other Engine, or of any Appliance or Apparatus in connexion therewith, for sinking, draining, or working any Mine, or for in anywise assisting in the working thereof, with Intent thereby to destroy or damage such Mine, or to hinder or obstruct or delay the working thereof, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable to any of the Punishments as may be awarded for any or either of the Offences named in the Sixth Section of the said recited Act.

As to Offences within the Jurisdiction of the Admiralty.

II. Where any Felony punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *England* and *Ireland*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony committed within that Jurisdiction.

CAP. XXX.

An Act to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District.—[3*d* July 1860.] (*England.*)

CAP. XXXI.

CAP. XXXI.

An Act to repeal a certain Enactment for restraining the Governor and Company of the Bank of Ireland *from lending Money on Mortgage.*—[3*d* July 1860.]

CAP. XXXII.

An Act to abolish the Jurisdiction of the Ecclesiastical Courts in Ireland *in Cases of Defamation, and in* England *and* Ireland *in certain Cases of Brawling.*—[3*d* July 1860.]

CAP. XXXIII.

An Act to amend certain Provisions in the Bankrupt Law of Scotland.—[3*d* July 1860.]

19 & 20 Vict. c. 79.

WHEREAS it is expedient that certain Provisions of "The Bankruptcy (*Scotland*) Act, 1856," should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as "The Bankruptcy (*Scotland*) Amendment Act, 1860."

Where it appears to Court of Session, &c. that the Estate ought to be distributed in England or Ireland, Sequestration may be recalled.

II. If in any Case where Sequestration has been or shall be awarded in *Scotland* it shall appear to the Court of Session or to the Lord Ordinary, upon a summary Petition by the Accountant in Bankruptcy, or any Creditor or other Person having Interest, presented to either division of the said Court or to the Lord Ordinary at any Time within Three Months after the Date of the Sequestration, that a Majority of the Creditors in Number and Value reside in *England* or in *Ireland*, and that from the Situation of the Property of the Bankrupt or other Causes his Estate and Effects ought to be distributed among the Creditors under the Bankrupt or Insolvent Laws of *England* or *Ireland*, the said Court in either Division thereof or the Lord Ordinary, after such Inquiry as to them shall seem fit, may recal the Sequestration.

III. The

III. The said Court, in either Division thereof, or the Lord Ordinary, or the Sheriff, may refuse the Application for the Discharge of any Bankrupt, although Two Years have elapsed from the Date of the Sequestration, and although no Appearance or Opposition shall be made by or on the Part of any of the Creditors, if it shall appear from the Report of the Accountant in Bankruptcy or other sufficient Evidence that the Bankrupt has fraudulently concealed any Part of his Estate or Effects, or has wilfully failed to comply with any of the Provisions of "The Bankruptcy (*Scotland*) Act, 1856." Discharge of Bankrupt may in certain Cases be refused, although no Opposition be made by Creditors.

IV. All Interlocutors pronounced by the Lord Ordinary or the Sheriff under the Provisions of this Act shall be subject to the Review of the said Court of Session. Interlocutors of Lord Ordinary or Sheriff subject to Review.

V. To remove Doubts which have arisen, it is declared that the Word "Gazette" in the Sixty-seventh Section of the said Act shall be held to mean the "*Edinburgh Gazette;*" and the Provisions contained in the said Act relative to Deeds of Arrangement shall extend to and include Settlements or Arrangements by way of Composition. "Gazette" in said Act to mean Edinburgh Gazette.

VI. The Fee provided to be paid to the Sheriff under Schedule I. of the said Act is hereby abolished; but no Claim shall exist in respect of any such Fee which shall have been paid prior to the passing of this Act. Fee to Sheriff abolished.

VII. For attending any Meeting of Creditors or Examination a Fee of One Pound One Shilling shall be payable to the Sheriff for each such Meeting or Diet of Examination not being on the same Day. Fee payable to Sheriff for Attendances, &c.

VIII. "The Bankruptcy (*Scotland*) Act, 1856," except in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act; and Words interpreted in the said Act shall when used in this Act have the same Meanings as are assigned to them respectively by the said Act. Recited Act to remain in force.

CAP. XXXIV.

An Act to amend the Law relating to Petitions of Right, to simplify the Proceedings, and to make Provisions for the Costs thereof.—[3*d* July 1860.] (*England.*)

CAP. XXXV.

An Act further to amend an Act of the Eighteenth Year of Her present Majesty, to amend the Law for the

the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation in Ireland.—[23*d* July 1860.]

CAP. XXXVI.

An Act to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs.—[23*d* July 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to appoint certain Warehousing Places.

I. The Commissioners of Her Majesty's Treasury may, by their Warrant, appoint that the Parish of *Manchester*, the Boroughs of *Birmingham*, *Leeds*, and *Sheffield*, or any of them, and such other Places as they may see fit, shall be Warehousing Places, subject to the Provisions herein-after contained.

Powers of Customs Acts conferred upon Commissioners applicable to this Act.

II. The Powers and Authorities conferred by the Customs Consolidation Act, 1853, upon the Commissioners of the Treasury for the Appointment of Warehousing Ports, and upon the Commissioners of Customs for the Approval of Warehouses in such Ports, shall extend to and be applicable to the said Parish and Boroughs or any of them, and to any other Place or Places in the United Kingdom which the said Commissioners of the Treasury may consider to have a sufficient Consumption of Articles paying Customs Duties to justify the Expense of a Customs Establishment, and may see fit to appoint as Warehousing Places, and to any Warehouse or Warehouses in any such Place or Places which the said Commissioners of Customs may see fit to approve for the warehousing of Goods for the Security of Duties of Customs; and the said Commissioners of the Treasury by Warrant under their Hands, and the said Commissioners of Customs by Order under their hands, are hereby authorized and empowered to appoint and approve of any such Place or Places, Warehouse or Warehouses, accordingly; and, except as herein-after mentioned and provided, the said Act, and all other Acts now or hereafter to be made relating to the Customs, and all the Powers and Authorities, Provisions, Privileges, Forfeitures, Securities,

Securities, Penalties, Rules, Regulations, Restrictions, Matters, and Things contained therein, or made or done in pursuance thereof, with reference to Warehousing Ports and Warehouses appointed or approved under the said Act or any other Act relating to the Customs, shall, so far as the same are or can be made applicable, extend and apply to every Warehousing Place and Warehouse which shall or may be appointed or approved under or in pursuance of this Act, and to the Proprietor or Occupier of and to the Conduct and Management of the Business of every such Warehouse, and the Security of Duties of Customs due or payable upon or in respect of all Goods deposited therein.

Warehouses to be for public Accommodation and to be of approved Dimensions.

III. No Warehouse shall be appointed or approved under this Act, except for the general Accommodation of any Merchants, Traders, or others having Occasion to deposit Goods therein for the Security of Duties of Customs; nor shall any Warehouse be approved under this Act unless it be of such Dimensions as the Commissioners of Customs consider sufficient, having regard to the Wants of the Town wherein it is situated.

Warehouse to be within 1,000 Yards of Custom House.

IV. When the Site of the Custom House in any Place appointed under this Act shall have been fixed or determined on by the Commissioners of Customs, it shall be lawful for the said Commissioners to refuse their Approval of any Warehouse above One thousand Yards from such Site.

Interpretation of "Extra Rates."

V. The Words "Extra Rates," in the Proviso to the Fifteenth Section of "The Customs Tariff Amendment Act, 1860," shall be construed to mean the additional Rates of Two Shillings and Sixpence for every One hundred Pounds of Customs Duty on Tobacco, and of Five Shillings for every One hundred Pounds of Customs Duty on Sugar and other Goods, which by the said Section are made payable upon the said Articles when they shall have been removed under Bond; and the Single Rates of Two Shillings and Sixpence and Five Shillings respectively imposed by the said Section shall be payable in respect of Goods delivered from Warehouses which possessed the Privilege of Bonding at the passing of the said Act, whether such Goods shall have been removed or not.

Rates herein named to be paid in lieu of existing Charges.

VI. In lieu of the Sums now payable by the Council of the City of *Manchester* to the said Commissioners in respect of the Expenses incident to the Management and Collection of the Customs Duties, under the several Acts now in force relating thereto, there shall be charged upon Goods deposited in any Warehouse at *Manchester* approved under the said last-mentioned Acts, on the Delivery thereof for Home Consumption, the same Rates as are made payable by "The Customs Tariff Act,

Act, 1860," and this Act, on the Delivery for Home Consumption of the like Kinds of Goods from any Warehouse approved under this Act.

Rates deemed Customs Duties.

VII. The Rates made payable under the said Customs Tariff Amendment Act, 1860, and this Act, shall be deemed to be Duties of Customs payable in the United Kingdom of *Great Britain* and *Ireland*, and may be sued for, enforced, recovered, and applied accordingly.

Commencement and Short Title of Act.

VIII. This Act shall come into operation on the Day of the passing thereof; and in citing it in other Acts of Parliament and legal Instruments it shall be sufficient to use the Expression "Customs Inland Bonding Act, 1860."

CAP. XXXVII.

An Act to levy an Assessment in the County of Inverness *to discharge a Debt on the* Castle Stewart and Nairn *Road in the said County.*—[23*d* July 1860.]

WHEREAS the following Acts were passed for the Purpose of making and keeping in repair certain Roads and Bridges in *Scotland*; that is to say, the Acts of the Forty-third of *George* the Third, Chapter Eighty, of the Fifty-ninth of *George* the Third, Chapter One hundred and thirty-five, of the Fourth of *George* the Fourth, Chapter Fifty-six, of the Fifth of *George* the Fourth, Chapter Thirty-eight, of the Third and Fourth of *William* the Fourth, Chapter Thirty-three, and of the Eleventh and Twelfth of *Victoria*, Chapter Forty: And whereas by the said Act of the Third and Fourth of *William* the Fourth, Chapter Thirty-three, after reciting that it was expedient that Power should be granted to the Commissioners for Highland Roads and Bridges to fix and settle Plans for the Alteration and Improvement (amongst others) of the Line of Road from a Point near *Castle Stewart* to the Western Extremity of the *Nairnshire* Turnpike Coast Road, passing through the Parishes of *Inverness*, *Petty*, and *Ardersier*, in the County of *Inverness*, it was enacted that as soon as sufficient Funds for defraying the Expense of making any such altered or new Line of Road should be provided to the Satisfaction of the said Commissioners in any of the Ways specified in the said Act, the said Commissioners should be authorized and required to fix the precise Line or Direction of any such Road; and from and after the Time when any such Alteration and Improvement should be completed, the said Commissioners should be authorized

43 G 3. c. 80.
59 G. 3. c. 135.
4 G. 4. c. 56.
5 G. 4. c. 38.
3 & 4 W. 4. c. 33.
11 & 12 Vict. c. 40.

authorized and empowered to direct Tolls to be levied on such Road, and that such Road when so altered and improved should be maintained in repair by the said Commissioners: And whereas the said *Castle Stewart and Nairn* Road was made by the said Commissioners under the Provisions of the last-recited Act, and the Funds necessary for its Formation were raised by borrowing Money on the Credit of the Tolls leviable on the said Road, and a Portion of the Debt so contracted, amounting to Two thousand seven hundred Pounds, still remains undischarged: And whereas, from the Formation of Railways and other Causes, the Traffic on the said Road has much diminished, and the Revenue derived from the Tolls thereon is not more than sufficient to defray the Expense of maintaining the said Road in repair, and affords no Surplus by means of which the Debt may be paid off, and it is therefore expedient that Provision should be made for the Payment of the Debt: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Assessment to be levied for the Purposes of this Act.

I. The Commissioners of Supply of the County of *Inverness* shall annually impose and levy an Assessment, for the Purpose of discharging the said Debt of Two thousand seven hundred Pounds, upon and from all Lands and Heritages within the County of *Inverness*, according to the yearly Rent or Value thereof, as established by the Valuation Rolls made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and any Arrears of preceding Years; and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts, or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act.

Assessment to extend over a Period not exceeding Thirty Years.

II. The said Commissioners of Supply shall impose and levy the said Assessment in such Manner and to such Amount as shall be sufficient to raise the Funds necessary for the Purposes of this Act, within a Time to be limited by the said Commissioners of Supply, not exceeding Thirty Years from the passing of this Act.

Clauses of 10 & 11 No. 8. (Pub. Gen. Statutes, 1860—Scotland.) with

III. The Clauses of "The Commissioners Clauses Act, 1847,"

Vict. c. 16. as to Mortgages incorporated.

with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act; and the word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of the County of *Inverness;* and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to borrow on Bond or Mortgage.

IV. It shall be lawful for the said Commissioners of Supply to borrow on Bond or Mortgage for the Purposes of this Act any Sum of Money not exceeding the Sum of Two thousand seven hundred Pounds, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in security for the Payment of the Money so borrowed, and Interest thereon; and if, after having borrowed the said Sum or any Part thereof, the said Commissioners of Supply shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off by granting new Mortgages and Assignations in Security therefor or otherwise, and so from Time to Time as they shall think proper.

Power to borrow on Cash Credit.

V. It shall be lawful for the said Commissioners of Supply, in the Exercise of the said borrowing Powers, to take from any Bank or Banking Company, Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of the said Commissioners of Supply, or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the said Commissioners of Supply are hereby authorized to borrow, or any Part thereof, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in security for the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon.

Money borrowed to be paid off in Thirty Years.

VI. The said Commissioners of Supply in borrowing Money as aforesaid shall make Provision that the Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by the said Commissioners, not exceeding Thirty Years from the passing of this Act.

For Protection of Persons lending Money on the Security of Assessment.

VII. No Person lending Money to the said Commissioners of Supply, and taking a Mortgage or Assignation in Security for securing Repayment of the same, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Mortgage or Assignation in Security, on the Ground that such Provisions have not been complied with.

VIII. This

VIII. This Act shall not apply to the Insular Portions of the County of *Inverness*, except the *Isle of Skye*. Act not to apply to certain Places.

CAP. XXXVIII.

An Act to further amend the Law of Property.—[23*d* July 1860.]

§ XV. This Act is not to extend to *Scotland*, nor are any of the Clauses, except Clause Six and the subsequent Clauses, to extend to *Ireland*.

CAP. XXXIX.

An Act for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter *in the County of* Fife.—[23*d* July 1860.]

WHEREAS it would be of great Advantage to the Public if a safe and convenient Harbour were constructed at *Anstruther Easter* in the County of *Fife*, for the accommodation of Fishing Boats and Vessels resorting thereto: And whereas the Magistrates and Council of the Burgh of *Anstruther Easter* are willing to transfer to the Commissioners to be appointed by this Act all their Right and Title to the existing Harbour; and it is expedient that the said Harbour should be deepened and improved, and a new Harbour, with additional Piers and Quays, constructed in connexion therewith, and that Funds should be provided for the Execution of the said Works in the Manner after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The *Anstruther* Union Harbour Act, 1860." Short Title.

II. The following Words and Expressions shall in reference to this Act have the several Meanings hereby assigned to them; that is to say, Interpretation of Terms.

The Word "Commissioners" in "The Commissioners Clauses Act, 1847," and this Act, shall mean the Commissioners appointed and incorporated by this Act:

The Word "Harbour" in "The Harbours, Docks, and Piers Clauses

Clauses Act, 1847," and this Act, shall mean the *Anstruther* Union Harbour within the Limits herein-after defined, and shall include the existing Harbour of *Anstruther Easter* and the new Harbour to be constructed under the Authority of this Act.

8 & 9 Vict. c. 19. and 10 & 11 Vict. cc. 16. and 27. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Commissioners Clauses Act, 1847," with the exception of Section Eighty-four, and "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of Sections Sixteen to Nineteen, both inclusive, and Sections Twenty-five and Twenty-six, are hereby incorporated with this Act, and shall apply to the existing Harbour of *Anstruther Easter*, and to the new Harbour to be constructed under the Authority of this Act, and the Works, Lands and Property connected therewith respectively, and to the whole Undertaking of the Commissioners: Provided that Sections Sixteen and Seventeen of the said Harbours, Docks, and Piers Clauses Act may come into force at any Time after Five Years from the passing of this Act, on Six Months' Notice to that Effect being given to the Commissioners by Writing under the Hand of the Secretary of the Admiralty.

Appointment of Commissioners.

IV. The Provost of the Burgh of *Anstruther Easter* for the Time being, the Chief Manager of the Burgh of *Kilrenny* for the Time being, the Chief Manager of the Burgh of *Anstruther Wester* for the Time being, and Five Persons resident within the Parliamentary Limits of the Burgh of *Anstruther Easter*, Three Persons resident within the Parliamentary Limits of the Burgh of *Kilrenny*, and One Person resident within the Parliamentary Limits of the Burgh of *Anstruther Wester*, qualified and to be elected as herein provided, shall be and they are hereby appointed Commissioners for executing and carrying into effect the Purposes of this Act: Provided always, that the surviving and acting Manager who is first named in the Decree or Order of the Court of Session in *Scotland* appointing the Managers for the Time being of each of the said Burghs of *Kilrenny* and *Anstruther Wester* shall, for the Purposes of this Act, be held to be the Chief Manager of each of the said Burghs respectively: Provided also, that in the event of the Power to elect Magistrates and Councillors being at any Time hereafter restored to the said Burghs of *Kilrenny* and *Anstruther Wester*, the Provosts or Chief Magistrates of the said Burghs shall *ex officiis* be Commissioners under this Act in lieu of the Chief Managers of the said Burghs.

Incorporation of Commissioners.

V. The Commissioners appointed by this Act, and their Successors in Office, are hereby united and incorporated as a Body Politic and Corporate, by the Name of "The Commissioners

sioners of *Anstruther* Union Harbour," with perpetual Succession and a Common Seal, and may by that Name sue and be sued, take and hold Lands, and exercise all other Privileges of a Body Corporate.

Chairman and Returning Officer.

VI. The Provost of the Burgh of *Anstruther Easter* for the Time being shall *ex officio* be Chairman of the Commissioners, and shall be the Returning Officer at all Elections under this Act.

Election of Commissioners.

VII. On the Fourth *Tuesday* of *September* after the passing of this Act the Persons qualified for the Time being to vote in the Election of a Member of Parliament for the Burghs of *Anstruther Easter*, *Kilrenny*, and *Anstruther Wester*, or the District of Burghs in which the same are included, and who are duly registered in the Roll of Voters of the said Burghs respectively, by the Act Second and Third *William* the Fourth, Chapter Sixty-five, or by any other Act in force for the Time being, appointed to be made up and kept for or with respect to the Election of a Member of Parliament, shall meet in the Town House of the Burgh of *Anstruther Easter*, or other convenient Place, at Nine o'Clock in the Forenoon, of which Meeting, and the Time and Place for holding the same, Intimation shall be given by Advertisement signed by the Provost or acting Chief Magistrate of the said Burgh, printed Copies of which shall be affixed on the Doors of the Town Houses, and on other public Places in the said Burghs, at least Eight Days previous to the Day appointed for holding such Meeting, and then and there shall proceed to elect, by the Majority of the Votes of the Electors present at such Meeting, Five Persons for the Burgh of *Anstruther Easter*, qualified to vote in the Election of a Member of Parliament as aforesaid, and resident within the Parliamentary Limits of that Burgh, Three Persons for the Burgh of *Kilrenny* qualified as aforesaid, and resident within the Parliamentary Limits of that Burgh, and One Person for the Burgh of *Anstruther Wester* qualified as aforesaid, and resident within the Parliamentary Limits of that Burgh, to be Commissioners for executing the Purposes of this Act; and all Votes at Elections of Commissioners shall be given personally, and each Elector shall be entitled to give only One Vote for each Commissioner to be elected.

Notice to be given to Persons Elected.

VIII. The Returning Officer shall, within Twenty-four Hours after any Meeting for the Election of Commissioners, give or cause to be given Notice in Writing to the several Persons elected of their Election as Commissioners for the said Burghs respectively, and call upon them severally to declare within Four Days after such Notice whether they accept or decline to accept the Office of Commissioner; and if any Person so elected

elected shall not intimate his Acceptance of the said Office within Four Days after the Date of such Notice, he shall be held as having declined to accept, and the Returning Officer shall immediately appoint a new Election of a Commissioner or Commissioners in place of the Person or Persons declining or not intimating Acceptance at the Distance of not more than Four nor less than Two Days, and shall give Notice of the Time and Place appointed for such Election by Advertisement, signed by the Returning Officer, printed Copies of which shall be affixed as aforesaid; and such Election shall be proceeded with in the same Manner as is herein-before provided with respect to the First Election of Commissioners, until the Number of Commissioners appointed to be elected in and for the said Burghs respectively shall be completed.

Commissioners to retire from Office by Rotation.

IX. On the Third *Tuesday* of *November* One thousand eight hundred and sixty-one, and on the Third *Tuesday* of *November* in every succeeding Year (except as after mentioned), the elected Commissioners shall retire from Office in the following Rotation:

Two Commissioners for the Burgh of *Anstruther Easter* shall annually retire from Office:

One Commissioner for the Burgh of *Kilrenny* shall annually retire from Office:

The Commissioner for the Burgh of *Anstruther Wester* shall retire from Office every Third Year:

In the Burghs of *Anstruther Easter* and *Kilrenny*, the Commissioners or Commissioner respectively who had the smallest Number of Votes at the first Election shall retire on the Third *Tuesday* of *November* One thousand eight hundred and sixty-one, and in succeeding Years the Commissioners or Commissioner respectively who have or has been longest in Office shall retire:

In the event of any Question arising as to who shall be the retiring Commissioners or Commissioner in either of the said Burghs, such Question shall be determined in the Manner prescribed by the said Commissioners Clauses Act:

The Commissioner first elected for the Burgh of *Anstruther Wester* shall retire on the Third *Tuesday* of *November* One thousand eight hundred and sixty-three.

Annual Election of Commissioners.

X. A meeting for the Election of Commissioners to succeed the Commissioners retiring from Office by Rotation shall be held in the Town House of *Anstruther Easter* on the Third *Tuesday* of *November* in every Year, and a Commissioner or Commissioners for the respective Burghs, qualified as aforesaid and resident within the Parliamentary Limits of the said Burghs respectively, shall be elected by the Majority of the Votes of the

the Electors qualified to vote as aforesaid in the room of the Commissioner or Commissioners so retiring from Office; and every such Election shall be proceeded with in the same Manner as is herein-before provided with respect to the First Election of Commissioners; and Notice of every such Meeting shall be given by the Returning Officer, as herein-before provided, at least Eight Days previous to the Day appointed for holding such Meeting.

Times and Place of Meetings of Commissioners.

XI. The Commissioners shall hold their First General Meeting in the Town House of *Anstruther Easter* on the Second *Tuesday* of *October* after the passing of this Act, or as soon thereafter as conveniently may be, and shall proceed to put this Act into execution; and the Commissioners shall hold an Annual General Meeting in the said Town House on the Fourth *Tuesday* of *September* in every Year thereafter, and shall also hold monthly Meetings for the Transaction of General Business at the said Town House on the Second *Tuesday* of every Month, or at such other convenient Time and Place as the Commissioners shall from Time to Time appoint; and at all Meetings of the Commissioners the Chairman, if present, shall preside; and if at any Meeting of the Commissioners the Chairman is not present, One of the Commissioners present shall be elected Chairman of such Meeting by the Majority of the Votes of the Commissioners present at such Meeting.

After Nov. 11, 1860, existing Harbour of Anstruther Easter, &c. to be transferred to the Commissioners.

XII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty, all the Rights and Privileges of the Magistrates and Council of the Burgh of *Anstruther Easter* in and to the existing Harbour of *Anstruther Easter*, and in and to the Quays, Piers, and Works connected therewith, and the Lands, Buildings and Property described in the Schedule (A.) to this Act annexed, and the Right to levy Rates and Dues at the said Harbour, and all Right, Title, Interest, Powers and Privileges of the Magistrates and Council of the Burgh of *Anstruther Easter*, or of the Burgesses and Community thereof, in and with respect to the said Harbour, Quays, Piers, Works, Lands, Buildings and Property, shall be and are hereby (subject to the annual Payment herein-after provided for) transferred from the said Magistrates and Council and the said Burgh to and vested in the Commissioners appointed by this Act, and shall thereafter be held, used, and enjoyed by the Commissioners for the Purposes and subject to the Provisions of this Act.

Annual Payment by Commissioners to Magis-

XIII. The Commissioners shall, out of the Rates, Duties, and Revenues levied and received by them under the Authority of this Act, pay annually to the Magistrates and Council of the Burgh of *Anstruther Easter* the Sum of Fifty Pounds, to be applied

trates and Council of Anstruther Easter for Municipal Purposes.

applied for the Municipal Purposes of the said Burgh; which annual Sum shall and is hereby declared to be a Burden on the said Rates, Duties and Revenues preferable to any Security to be granted by the Commissioners under the Authority of this Act; and such Payments shall be made on the Eleventh Day of *November* in every Year, with Interest from the Date of Payment till paid, beginning the First Payment on the Eleventh Day of *November* One thousand eight hundred and sixty-one, for the Year preceding; and the Receipt of the Treasurer of the said Burgh for the Time being shall be a sufficient Discharge to the Commissioners for every such Payment.

Power to borrow Money on Security of Rates, &c.

XIV. It shall be lawful for the Commissioners to borrow any Sums of Money not exceeding in the whole the Sum of Twenty-three thousand Pounds, and to make and grant Mortgages and Assignations in Security of the said existing Harbour of *Anstruther Easter* and the said new Harbour and the Works, Lands, and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, in Security for the Payment of the Money so borrowed, and of the Interest thereon; and if, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after provided for, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time: and the Mortgages and Assignations to be made and granted by the Commissioners may be in Writing or printed, or partly in Writing and partly printed, and shall be sealed with the Common Seal of the Commissioners, and subscribed by at least Two Commissioners, at and in Presence of a Meeting of the Commissioners.

Power to Public Works Loan Commissioners to lend Money to Commissioners under this Act.

XV. It shall be lawful for the Public Works Loan Commissioners, if they in their Discretion shall think fit, to advance and lend to the Commissioners appointed by this Act the Sum of Sixteen thousand five hundred Pounds, and in Security for the Payment thereof and of the Interest thereon to accept and take from the Commissioners appointed by this Act Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, to and in favour of the Secretary for the Time being of the said Public Works Loan Commissioners, or otherwise as they shall direct, on such Terms and Conditions, and with such Provisions for the Repayment of the Principal Sum, and the Interest thereon,

thereon, as have been or may be agreed upon by and between the said Public Works Loan Commissioners, with the Sanction and Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners appointed by this Act; and the Mortgages and Assignations in Security to be granted to the said Public Works Loan Commissioners or their Secretary for the Time being shall have Priority and Preference on the said Harbours, Works, Lands and Property, and Rates, Duties and Revenues over any other Mortgage and Assignation in Security to be granted by the Commissioners appointed by this Act: Provided that any Sums to be advanced and lent by the said Public Works Loan Commissioners shall, subject to the Sanction and Approval of the Commissioners of Her Majesty's Treasury, be paid over to the Commissioners for the *British* White Herring Fishery, to be held and applied by them for the Purposes of this Act, as herein provided.

Power to Commissioners for the British White Herring Fishery to grant and also lend Money to Commissioners under this Act.

XVI. It shall be lawful for the Commissioners for the *British* White Herring Fishery, from Time to Time as they may think fit, to grant and appropriate, out of any Monies voted to them by Parliament, the Sum of Twelve thousand Pounds towards defraying the Expense of acquiring the Lands and constructing the new Harbour and other Works by this Act authorized to be acquired and constructed; and, in addition to the said Sum of Twelve thousand Pounds, it shall be lawful for the said Commissioners, from Time to Time as they may think fit, out of any Monies voted to them by Parliament, to advance and lend to the Commissioners appointed by this Act any Sum not exceeding Six thousand five hundred Pounds, and in Security for the Payment thereof and of the Interest thereon to accept and take from the Commissioners appointed by this Act Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties, and Revenues to be levied and received by the Commissioners under the Authority thereof, to and in favour of the Secretary for the Time being of the said Commissioners for the *British* White Herring Fishery, or otherwise as they shall direct; and such Grant and Loan shall be made upon such Terms and Conditions and under such Regulations, and shall be paid and applied in such manner and at such Periods, as shall be fixed and agreed upon by the said Commissioners for the *British* White Herring Fishery, with the Sanction and Approval of the Commissioners of Her Majesty's Treasury: Provided always, that the Mortgages and Assignations in Security for the said Sum of Six thousand five hundred Pounds, or any Part thereof, shall be postponed to the Mort-

gages and Assignations in Security to be granted to the said Public Works Loan Commissioners, but shall be preferable to any other Mortgage and Assignation in Security to be granted by the Commissioners appointed by this Act; and no Interest shall be payable or be accumulated on the said Sum of Six thousand five hundred Pounds, or any Part thereof, until the Debt to the said Public Works Loan Commissioners shall be paid off and discharged, and thereafter Interest at the Rate of Four Pounds *per Centum per Annum* shall be payable to the said Commissioners for the *British* White Herring Fishery on the said Sum or such Part thereof as may be lent and may remain unpaid: Provided also, that no Part of such Sums shall be granted by the said Commissioners for the *British* White Herring Fishery until a Sum not less than One Fourth Part of the Sums so granted has been advanced and paid by the Commissioners, or by the said Public Works Loan Commissioners, to the said Commissioners for the *British* White Herring Fishery.

Power to borrow from Bank on Cash Credit.

XVII. It shall be lawful for the Commissioners appointed by this Act to accept and take from any Bank or Banking Company Credit on a Cash Account to be opened and kept with such Bank or Banking Company in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and, if required, to make and grant Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired, or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, in Security for the Payment of the Amount of such Credit or of the Sums advanced from Time to Time on such Cash Account, and of the Interest thereon: Provided that the whole Sums due and owing by the Commissioners for Money borrowed by them from the said Public Works Loan Commissioners, or from the said Commissioners for the *British* White Herring Fishery, or on such Cash Account, or on Mortgages and Assignations in Security of the said Harbours, Works, Lands, Property, Rates, Duties and Revenues, or any Part thereof, shall not, when taken together, exceed the said Sum of Twenty-three thousand Pounds by this Act authorized to be borrowed.

Application of Money granted and borrowed.

XVIII. The Money to be granted and appropriated by the said Commissioners for the *British* White Herring Fishery as aforesaid, and any Money to be advanced and lent to or borrowed by the Commissioners appointed by this Act, shall be applied

applied by the said Commissioners for the *British* White Herring Fishery in and for the Purchase of the Lands and the Construction of the Works by this Act authorized to be acquired and constructed, and in carrying into execution the several Purposes of this Act, and to no other Purpose whatsoever.

Auditor to be appointed.

XIX. The Sheriff of the County of *Fife* shall, on Application made to him by the Commissioners, annually appoint an Auditor (being a Person well skilled in Accounts, and not being One of the Commissioners, or holding Office under them,) to audit and docquet the Accounts of the Commissioners; and in case the Office of such Auditor shall before such Accounts have been audited by him become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

Sinking Fund to be established.

XX. The Commissioners shall every year appropriate and set apart the surplus Revenue of the Harbour which may remain after paying the said annual Sum of Fifty Pounds to the Magistrates and Council of *Anstruther Easter*, the Interest of the Money borrowed by the Commissioners under the Authority of this Act and the Sums which may be payable to Account of the Principal thereof, and the Expenditure on Maintenance, Management, Repairs, and Improvements, as a Sinking Fund, to be applied in paying off the Principal Sums of Money so borrowed, and shall from Time to Time cause such Sinking Fund to be deposited in any Joint Stock Bank of Issue in *Scotland*, and to be increased by Accumulation in the Way of Compound Interest, or otherwise, until the same shall be of sufficient Amount to pay off the said Principal Sums, or some Part thereof which the Commissioners think ought to be paid off, at which Time such Sinking Fund shall be applied in paying off the said Principal Sums, and the Sums so paid off by means of such Sinking Fund shall not be re-borrowed: Provided always, that the Commissioners shall not allow any Sum exceeding One thousand Pounds to remain deposited as aforesaid for a longer Period than Six Months without applying the same as before specified: Provided also, that the said Sinking Fund shall in the first instance be applied by the Commissioners in paying off the Principal Sum of the Debt owing to the said Public Works Loan Commissioners, in so far as such Principal Sum may not previously have been paid off and extinguished.

Payment of Arrears of Principal and Interest may be

XXI. The said Commissioners for the *British* White Herring Fishery, or the Mortgagees and Assignees, may, subject to the Preference and Priority of Securities herein-before mentioned, enforce Payment of the Arrears of Interest or the Arrears of Principal and Interest due to them or any of them under or by

enforced by Appointment of Judicial Factor.

by virtue of any Mortgages and Assignations in Security granted by the Commissioners under the Authority of this Act, by the Appointment of a Judicial Factor or Receiver, in the Manner provided by the said Commissioners Clauses Act, provided that the Application for the Appointment of such Judicial Factor or Receiver shall be made by the said Commissioners for the *British* White Herring Fishery, or by a Mortgagee and Assignee holding a Mortgage and Assignation in Security granted by the Commissioners on which the Sum of at least Four thousand Pounds of Principal shall be due and owing, or by Two or more Mortgagees or Assignees holding Mortgages and Assignations in Security granted by the Commissioners on which the aggregate Amount of at least Four thousand Pounds of Principal shall be due and owing.

Limits of Harbour.

XXII. The Limits of *Anstruther* Union Harbour shall and are hereby declared to be a straight Line drawn Seaward to the Distance of Four hundred and sixty Yards from High-water Mark of Spring Tides at the East Side of the Mouth of the *Cellardyke* or *Caddies Burn*, on the Northern Shore of the *Firth of Forth*, being the Eastern Parliamentary Boundary of the Burgh of *Anstruther Easter*, and another straight Line drawn from the Seaward Extremity of the Line first mentioned, in a South-westerly Direction, to High-water Mark of Spring Tides at the furthest projecting Point of Land on the said Shore at *Billowness* in the Burgh of *Anstruther Wester*; and the Harbour shall extend to and include the whole Space within the said Lines and Limits.

Improvement of existing Harbour.

XXIII. It shall be lawful for the Commissioners appointed by this Act from Time to Time to improve, repair, maintain, deepen and cleanse the existing Harbour of *Anstruther Easter*, and to make and maintain additional Piers, Quays, and Wharfs, and all other Buildings and Conveniences connected therewith which may be necessary for the Reception and Accommodation of Vessels entering or using the Harbour, and to make, widen, and improve all necessary Roads and Accesses to the Harbour.

Power to construct new Harbour.

XXIV. And whereas a Plan and Sections of the existing Harbour and Works, and of the intended new Harbour and Works connected therewith, showing the Situation and Levels thereof respectively, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, upon, or through which the same are intended to be made, have been deposited with the Sheriff Clerk of the County of *Fife*: It shall be lawful for the said Commissioners for the *British* White Herring Fishery, with the Powers and subject to the Provisions contained in this Act and the Acts incorporated herewith, to enlarge the said existing Harbour, and to make and construct the

the said intended new Harbour, and the Piers, Quays, and other Works connected therewith, in the Situation and upon the Lands delineated on the said Plan and described in the said Book of Reference, and to make and construct such Breakwaters, Quays, Wharfs, Piers, Jetties, Landing Places, Approaches, and other Works and Conveniences as may be deemed necessary for the Purposes of the said Harbours, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid, and to enter into Contracts for the Execution of the Works by this Act authorized.

Powers for compulsory Purchases limited.

XXV. The Powers granted by this Act and the Acts incorporated herewith for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Plans of Works to be deposited at the Admiralty Office.

XXVI. Before commencing any of the Works hereby authorized, Plans and Sections of the Works proposed to be constructed shall be deposited at the Admiralty Office, *Whitehall*, for the Approval of the Lords of the Admiralty; and no Part of the said Works shall be commenced until the same shall be approved of by the Lords of the Admiralty, such Approval to be signified by Writing under the Hand of the Secretary of the Admiralty.

Local Survey may be made.

XXVII. If, after Working Drawings of the Works hereby authorized shall have been submitted to the Lords of the Admiralty, it shall be deemed expedient by them to order a local Survey and Examination of such Works, or of the intended Site thereof, the said Commissioners for the *British* White Herring Fishery shall defray the costs of such local Survey and Examination, out of the Money received or appropriated by them under the Provisions of this Act.

Power to alter Plans, with Sanction of the Admiralty.

XXVIII. It shall be lawful for the said Commissioners for the *British* White Herring Fishery to make any Deviations from or Alterations of the Works described on the said deposited Plans which to them may appear expedient; provided that before adopting and carrying the same into execution the said Commissioners shall submit the Plans of such deviated or altered Works to the Lords of the Admiralty; and no such Works shall be adopted or executed by the said Commissioners unless approved by the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Works shall only be executed in conformity with the Plans so approved; and such deviated or altered Works, when so executed, shall be deemed to be Part of the Works authorized by this Act.

New Harbour and Works to

XXIX. All Lands purchased or acquired under the Provisions and for the Purposes of this Act, and all Piers, Quays, Wharfs,

be vested in Commissioners appointed by this Act.

Wharfs, Approaches, and other Works and Conveniences constructed thereon under the Authority of this Act, shall, on the Completion of the said new Harbour and Works, and from and after the Date of a Minute of the said Commissioners for the *British* White Herring Fishery, certifying such Completion, be vested in the Commissioners appointed by this Act, and shall thereafter belong to and be managed, maintained, and kept in repair by them under the Authority of this Act and the Acts incorporated herewith: Provided that all Mortgages and Assignations in Security granted by the Commissioners appointed by this Act, under the Authority thereof, previous to the Date of the said Minute, shall be as valid and effectual with respect to the said new Harbour, and the Works, Lands, and Property constructed or acquired under the Provisions of this Act, and the Rates, Duties, and Revenues to be levied and received at and in respect of the said new Harbour, as if such Mortgages and Assignations in Security had been granted after the Date of the said Minute.

Works abandoned may be removed by Admiralty.

XXX. If any Work to be constructed under the Authority of this Act within the Limits of the Harbour, or any Portion of such Work, shall be abandoned or suffered to fall into Disuse or Decay by the Commissioners, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or any Part or Parts thereof, as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly.

Rates on Vessels as in Sched. (B.)

XXXI. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the Commissioners to demand and levy for every Vessel, using or entering the Harbour or within the Limits thereof, any Sum for every Ton Measurement of such Vessel not exceeding the Rates specified in the Schedule (B.) to this Act annexed; and all such Rates shall be payable by the Master of such Vessel.

Rates on Goods as in Sched. (C.)

XXXII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the Commissioners to demand and levy, for all Goods specified in the Schedule (C.) to this Act annexed, which shall be shipped or unshipped, received or delivered within the Limits of the Harbour, or at any Pier or other Work connected with the Harbour, any Sums not exceeding the Rates in the said Schedule (C.) specified with respect to such Goods respectively; and all such Rates shall be payable by the Owners of such Goods.

Rates for Cranes,

XXXIII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the

the Commissioners to demand and levy, for the Use of any of the Cranes, Weighing Machines, and Sheds which may be provided or erected at the Harbour, of and from the Owner or Person having the Charge of any Goods deposited therein, or loaded, unloaded, or weighed by means thereof, any Sums not exceeding the Rates specified in the Schedule (D.) to this Act annexed. Weighing Machines and Sheds, as in Sched. (D.)

XXXIV. It shall be lawful for the Commissioners to appoint and license a sufficient Number of Persons to be Meters and Weighers at and within the Harbour. Meters and Weighers may be licensed.

XXXV. It shall be lawful for the Commissioners and they are hereby authorized to license, appoint, and regulate a sufficient Number of Pilots for conducting Vessels out of and into the Harbour, and to remove and displace them at pleasure, and to fix the Rate of Pilotage to be paid to such Pilots, not exceeding the Rates specified in the Schedule (E.) to this Act annexed; and such Pilots shall, before being licensed, be examined as to their Fitness and Capacity to be such Pilots by Three competent Persons, being Ship Masters, well acquainted with the Coast, and shall be certified by such Persons to be fully qualified; and every Person who acts as a Pilot within the Limits of the Harbour without having obtained such Certificate, or without being licensed and appointed, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and it shall be lawful for the Pilots appointed by the Commissioners to conduct Vessels out of and into the *Firth of Forth*, if so required by the Masters of such Vessels, but not otherwise: Provided that nothing herein contained shall be deemed or construed to exempt the Harbour from the Provisions of any General Act relating to Pilots now in force, or which may hereafter pass during the present or any future Session of Parliament. Pilots may be licensed.

XXXVI. For the Purposes of this Act, the Commissioners shall be deemed "a Pilotage Authority" and "a Local Authority" within the Meaning of "The Merchant Shipping Act, 1854;" and all the Powers by that Act conferred on "Pilotage Authorities" and on "Local Authorities" shall be vested in the Commissioners for the Purposes of this Act. Commissioners deemed "Pilotage and Local Authorities."

XXXVII. The Commissioners shall not be liable or responsible for any Accident, Loss, or Damage which may arise to any Vessel, or to the Cargo thereof, in consequence of the Employment of any Pilot licensed by the Commissioners, but the Pilots so employed shall be answerable for any wilful or culpable Neglect and Mismanagement. Responsibility of Pilots.

XXXVIII. It shall be lawful for the Commissioners to let on lease by Private Contract or Agreement, or by Public Roup Power to lease Rates.

or

or Sale, as they may deem most expedient, all or any of the Rates and Duties by this Act authorized to be levied, for any Period not exceeding Three Years; and in case of all or any of such Rates and Duties being so let, the Lessees thereof shall have the same Powers and Privileges as to levying, collecting, and recovering the same as are conferred on the Commissioners by this Act and the Acts incorporated herewith.

Application of Monies received by Commissioners.

XXXIX. All Monies which shall come into the hands of the Commissioners from the said existing and new Harbours, or the Lands and Property connected therewith, or the Rates, Duties, and Revenues to be levied and received by them under the Authority of this Act, shall be applied for the Purposes herein-after specified, and for no other Purpose whatsoever; that is to say,

First, In Payment of the said Sum of Fifty Pounds *per Annum* to the Magistrates and Council of *Anstruther Easter:*

Second, In Payment of the Interest of any Money borrowed from the said Public Works Loan Commissioners under the Authority of this Act, and of the Sums which may be payable to Account of the Principal thereof:

Third, In Payment of the ordinary Expenditure on Management, Maintenance and Repairs of the said existing and new Harbours, and the Works and Property connected therewith:

Fourth, In payment of the Interest of the other Monies borrowed under the Authority of this Act:

Fifth, In Payment of the Expense of deepening and improving the said existing Harbour, and of improving and extending the Quays, Piers, Wharfs, and other Works connected with the said existing and new Harbours:

And Lastly, The Surplus of such Monies which may remain after providing for the Purposes before specified shall be appropriated and set apart as a Sinking Fund, as herein-before provided.

Form of Proceedings against Offenders.

XL. The Complaint and Proceedings before the Sheriff or Justice or Justices before whom any Person shall be complained of or proceeded against for any Offence under the Provisions of this Act or the Acts incorporated herewith, and the Sentence or Conviction thereon, may be in the Form of the Schedule (F.) hereunto annexed, or as near as may be; and, except that such Complaint, and the Sentence to be pronounced in relation thereto, shall be in Writing, no other Writing or written Record of Evidence or Procedure shall be necessary, unless the Sheriff or Justices, at the Hearing of the Complaint, shall cause or allow the Procedure or Evidence to be taken down in Writing, or shall themselves take Notes of the same.

XLI. Nothing

XLI. Nothing in this Act contained shall be deemed to exempt the Harbour or the Commissioners from the Provisions of "The Merchant Shipping Act, 1854," or "The Merchant Shipping Act Amendment Act, 1855," or of any General Act relating to Harbours, or Dues on Shipping, or on Goods carried in Ships, now in force, or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates authorized by this Act. Reservation of Merchant Shipping Acts.

XLII. Nothing contained in this Act or the Acts incorporated herewith shall extend to authorize the Commissioners to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, first had and obtained for that Purpose, and which such last-mentioned Commissioners or any One of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors. Saving Rights of the Crown.

XLIII. If in the course or by means of the Execution of any of the said Works any Part of the Shores or Bed of the said Harbour, or of the Sea beyond the Mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the Commissioners shall not have or exercise any Right upon the same or in respect thereof, but such Inning, Gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors; and it shall not at any Time afterwards be lawful for the Commissioners to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them. Any Land reclaimed by the Works not to be taken without Consent of the Commissioners of Woods, &c.

XLIV. Nothing in this Act contained shall prejudice, alter, or affect the Powers, Rights and Privileges of the said Public Works Loan Commissioners under the several Acts relating to the said Commissioners; and all such Powers, Rights and Privileges are hereby saved and reserved. Saving Rights of Public Works Loan Commissioners.

XLV. Nothing in this Act contained shall prejudice or affect any Rights or Privileges to which the Burgesses or Inhabitants of the Royal Burgh of *Anstruther Wester* may be lawfully entitled, and which may not be inconsistent with the Provisions of this Act. Saving Rights of Burgesses of Anstruther Wester.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

The following Lands, Works, and Buildings described on the Plans and in the Book of Reference referred to in this Act as deposited with the Sheriff Clerk of the County of Fife, at his Office in Cupar, and distinguished by the Numbers herein-after specified :—

Numbers on Plans.	
3, 3, 3, 3.	Piers, Quays, Slips, Crane, Lights, Stairs, Roadways, Area of Harbour.
5, 6.	Curing Ground.
7	Steelyard.
8	Shore Street, Sea and Harbour Wall, Stair.
8*a*.	Access to Harbour.
8*b*, 8*b*, 8*b*.	Brae Road and Accesses to East Quay.
10.	Curing Ground and Harbour and Enclosure Walls.
10*a*.	Curing Ground.
11.	Curing Ground.
12, 12, 12.	Woodyard, Sawpit, Boatbuilding Shed.
13.	Access to Beach.
17.	Dwelling House.
18.	Dwelling House.
22.	Lane.
34.	East Green Street.

SCHEDULE (B.)

RATES ON VESSELS.

	Per Ton. £	*s.*	*d.*
For every Vessel under the Burden of Fifteen Tons .	0	0	4
For every Vessel of the Burden of Fifteen Tons and under Fifty Tons	0	0	6
For every Vessel of the Burden of Fifty Tons and under One hundred Tons	0	0	8
For every Vessel of the Burden of One hundred Tons and under One hundred and fifty Tons . . .	0	0	10
For every Vessel of the Burden of One hundred and fifty Tons and upwards	0	1	0
All Lighters from any Vessel in the Roads shall be exempted from Rates, but if the Vessel do not enter the Harbour every Lighter shall pay for each Trip . .	0	0	2

	£	*s.*	*d.*
All Boats entirely open, landing or taking on board Goods or dried or salted Fish, each .	0	0	6
All Fishing Boats under the Length over-all of Thirty Feet entering the Harbour or within the Limits thereof, each . . .	0	0	3
All Fishing Boats of the Length over-all of Thirty Feet and upwards entering the Harbour or within the Limits thereof, each .	0	0	6

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SCHEDULE (C.)

Rates on Goods.

		s.	*d.*
Ale	per Hogshead	0	6
Ale, bottled	per Barrel Bulk	0	3
Bark	per Ton	1	0
Beef or Pork	per Ton	1	4
Beef or Pork	per Barrel	0	2
Blubber	per Tun of 252 Gallons	1	0
Bone Dust	per Ton	0	8
Bones of Cattle	per Ton	0	6
Bottles	per Gross	0	2
Bricks	per 1,000	0	8
Casks, empty, not being returned Packages	per Puncheon	0	3
Other Casks in proportion			
Cattle :			
Bulls	each	0	3
Cows and Oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per Score	0	6
Lambs	per Score	0	3
Chalk	per Ton	0	8
Chimney Cans	per 100	1	4
Clay, Fire, manufactured	per Ton	0	6
Clay, common	per Ton	0	2
Cloth, Haberdashery, &c.	per Barrel Bulk	0	2
Coaches :			
Chaises and other Four-wheeled Carriages	each	0	8
Gigs, Carts, and other Two-wheeled Carriages	each	0	6
Coals, Scotch, English, Smithy, and Culm	per Ton	0	3
Copper	per Ton	1	4
Corks	per Barrel Bulk	0	2
Corn, viz.			
Wheat and Malt	per Quarter	0	3
Barley, Beans, Peas, Tares, Oats, Rye, Buckwheat, and Indian Corn	per Quarter	0	2
Crystal	per Barrel Bulk	0	2
Dissolved Bones and other artificial Manures	per Ton	0	8
Dogs, Sporting only	each	0	2
Drugs	per Barrel Bulk	0	3
Earthenware	per Crate	0	8
Eggs	per Barrel Bulk	0	2
Fish dried and salted	per Ton	1	4
Haddocks, Cod, Salmon, and all fresh Fish, not enumerated	per Barrel Bulk	0	2
Flax	per Ton	1	4
Flour	per Sack	0	2
Ditto	per Barrel	0	1½
Glass	per Barrel Bulk	0	3
Groceries, viz.			
Almonds, Figs, Cinnamon, Currants, Pepper, Pimento, Plums, Prunes, Raisins, and the like	per Barrel Bulk	0	3

		s.	d.
Guano	per Ton	0	8
Gunpowder	per Barrel	0	3
Hardware	per Barrel Bulk	0	3
Hares and Rabbits	per Dozen	0	2
Any less Quantity		0	1
Hay	per Ton	0	8
Hemp	per Ton	1	4
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides :—Ox, Cow, or Horse, salted or dried	per Ton	1	4
Calf Skins	per 120	0	10
Sheep Skins	per 120	0	10
Lamb Skins	per 120	0	5
Hoops of Wood	per 1,500	1	0
Household Furniture, new	per Barrel Bulk	0	1
Household Furniture belonging to Parties changing their Residence only	per 10 Barrels Bulk	0	6
Husbandry Utensils	per Ton	1	4
Ditto	per Barrel Bulk	0	2
Iron :—Bar, Bolt and Rod	per Ton	1	4
Pig or Old	per Ton	0	8
Kelp	per Ton	0	8
Lead, all Kinds	per Ton	1	4
Leather, tanned and dressed	per Ton	1	4
Lime	per Chaldron of 16 Bolls	1	4
Limestone	per Ton	0	3
Loam or Moulding Sand	per Ton	0	3
Machinery	per Ton	1	4
Machinery	per Barrel Bulk	0	3
Manure, Street	per Ton	0	2
Meal	per Bag of 280 lbs.	0	2
Milk	per Three large Pitchers	0	0½
Musical Instruments	per Barrel Bulk	0	3
Oils	per Tun	1	0
Ores :—Copper, Iron, Lead, and other Ores	per Ton	0	8
Passengers Luggage, not exceeding 4 Barrels Bulk, free.			
All above 4 Barrels Bulk	per Barrel Bulk	0	3
Peats	per Ton	0	3
Pitch	per Barrel	0	3
Porter	per Hogshead	0	4
Porter, bottled	per Barrel Bulk	0	2
Potatoes	per Ton	0	6
Poultry, including Pigeons, Game, &c.	per Dozen	0	1
Any less Quantity		0	0½
Rags, Linen	per Ton	1	4
Other Rags, Old Ropes, and the like	per Ton	0	10
Rape Cakes	per Ton	0	8
Salt	per Ton	0	10
Seeds, Flax and Rape	per Hogshead	0	6
Flax	per Barrel	0	3
Flax in Bulk	per Quarter	0	2
Clover	per Ton	1	4
Garden	per Ton	1	4
Hemp and Canary	per Ton	1	4
Rye Grass	per 8 Bushels	0	2

		s.	d.
Skins, Seal	per 120	0	8
Slates, under Size	per 1,000	0	6
Sizeable	per 1,000	0	10
Over Size	per 1,000	1	4
Spirits, Foreign and British	per Hogshead of 56 Gallons	0	8
Stones, Rubble	per Ton of 16 Cubic Feet	0	2
Hewn Ashlar Freestone	per Ton of 16 Cubic Feet	0	4
Rough Ashlar Freestone	per Ton of 16 Cubic Feet	0	3
Pavement not exceeding 3 Inches thick	per 70 Feet	0	4
Pavement above 3 Inches thick	per 16 Cubic Feet	0	4
Scythe Stones	per Score	0	1
Mill Stones	each	0	8
Steel	per Ton	1	4
Sugar	per Ton	1	4
Tallow	per Ton	1	4
Tar	per Barrel	0	2
Tea	per Chest	0	3
Tiles, roofing	per 1,000	0	9
Tiles, or Pipes for draining	per 1,000	0	8
Tin of all Kinds	per Ton	1	4
Tobacco	per Ton	2	6
Treenails under 2 Feet in Length	per 1,000	0	6
Treenails exceeding 2 Feet in Length	per 1,000	1	0
Turnips	per Ton	0	6
Turpentine	per Hogshead	0	8
Vegetables	per Cartload	0	2
Vinegar	per Hogshead	0	6
Vitriol	per Carboy	0	2
Whalebone	per Ton	2	0
Wine	per Hogshead	0	8
Wine, bottled	per Barrel Bulk	0	4
Wood :			
Fir, Pine, and other Descriptions not enumerated,	per Load of 50 Feet	0	10
Oak or Wainscoat	per Load of 50 Feet	1	0
Firewood	per Fathom	0	6
Laths and Lathwood	per Fathom of 216 Cubic Feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars under 22 Feet in Length, above $2\frac{1}{2}$ and under 4 Inches Diameter	per 120	2	6
Spars $2\frac{1}{2}$ Inches in Diameter and under	per 120	1	4
Spars 22 Feet in Length and upwards, and not exceeding 4 Inches in Diameter	per 120	6	6
Spars of all Lengths above 4 and under 6 Inches in Diameter	per 120	12	0
Spokes of Wheels, not exceeding 2 Feet in Length	per 120	0	4
Exceeding 2 Feet in Length	per 120	0	6
Wedges,	per 1,000	1	0
Pipe Staves and others in proportion,	per Standard Hundred	1	0
Lignum Vitæ, Fustic, Logwood, Mahogany, and Rosewood	per Ton	1	4
Wool	per Cwt.	0	2
Yarn	per Ton	1	4
Zinc	per Ton	1	4

All other Goods not particularly enumerated in the above Table.

		s.	d.
Light Goods	per Barrel Bulk	0	2
Heavy Goods	per Ton	1	4

In charging the Rates on Goods the Gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those above specified, a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Cwt., to be rated as a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Cwt., then Two and a Half Cwt. to be rated as a Barrel Bulk.

SCHEDULE (D.)

Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

				s.	d.
All Goods or Packages, not exceeding One Ton .				0	3
Exceeding One Ton and not exceeding Two Tons				0	4
„	Two Tons	„	Three Tons	0	6
„	Three Tons	„	Four Tons	0	8
„	Four Tons	„	Five Tons	0	10
„	Five Tons	„	Six Tons	1	0
„	Six Tons	„	Seven Tons	1	2
„	Seven Tons	„	Eight Tons	1	4
„	Eight Tons	„	Nine Tons	1	8
„	Nine Tons	„	Ten Tons	2	0
„	Ten Tons			3	0

2d. Weighing Machines.

For Goods weighed, One Penny for each Ton or Part of a Ton.

3d. Shed Dues.

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Cwt., which shall remain in the Sheds, or on the Quays of the Harbour, for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny Halfpenny per Ton for each Day during which such Goods shall remain after the first Forty-eight Hours.

SCHEDULE (E.)

Pilot Dues.

	£	s.	d.
For every Vessel above Twenty Tons entering and leaving the Harbour, per Ton Register . . .	0	0	4
For each Tide's Work within the Harbour . .	0	7	6
For laying out Kedge or Warp to assist Vessels . .	0	5	0

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SCHEDULE (F.)

FORMS OF PROCEEDINGS.

COMPLAINT.

Unto the Honourable the Sheriff of [*or* Her Majesty's Justices of the Peace for] the County of Fife.

The Complaint of *A. B.*

Humbly Showeth,

That *C. D.* has been guilty of a Contravention of "The Anstruther Union Harbour Act, 1860," and of "The Harbours, Docks, and Piers Clauses Act, 1847," incorporated therewith, or One or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*] whereby the said *C. D.* has incurred the Forfeiture [*or* Penalty] of , provided by the Section of the said "Anstruther Union Harbour Act" [*or* the said "Harbours, Docks, and Piers Clauses Act"].

May it therefore please your to grant Warrant to summon the said *C. D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts, or One or other of them.

According to Justice, &c.,

[*Signed by Complainer or Informer.*]

WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C. D.* complained of to appear before [*Magistrate, and Place and Time*], and that by serving the said *C. D.* with a Copy of the foregoing Complaint and of this Deliverance; and also grants Warrant for citing Witnesses at the instance of both Parties, to attend at the same Place and Time.

[*Sheriff or Justice of Peace.*]

SENTENCE.

SENTENCE.

[*Place and Date.*]

The [*Magistrate*], in respect of the Evidence adduced [*or* of the judicial Confession of the said *C. D.*, [*as the case may be*], convicts the said *C. D.* of the Offence charged, and decerns and adjudges him to forfeit and pay to the Complainer the Sum of of Penalty, with the Sum of of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof [*or as the Case may be*] to be paid and accounted for by him to the Kirk Session, or Collector of the Funds for the Poor of the Parish of Anstruther Easter; and failing Payment by the said *C. D.* forthwith* grants Warrant for Recovery of the said Penalty and Expenses by Poinding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C. D.* in the Prison of until such Return be reported.

*[*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of Magistrate, say here,* " and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrants to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

WARRANT OF IMPRISONMENT.

To be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

The [*Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns.

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C. D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C. D.*, and decerns.

CAP. XL.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[23*d* July 1860.]

CAP. XLI.

An Act to make perpetual an Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.—[23*d* July 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Twenty-first and Twenty-Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies:* And whereas the said Act will expire at the End of the present Session of Parliament, and it is expedient to make the said Act perpetual: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, 21 & 22 Vict. c. 75.

I. That the said recited Act shall be perpetual. Recited Act made perpetual.

CAP. XLII.

An Act to vest the Management of the Phœnix Park *in the Commissioners of Public Works in* Ireland.—[23*d* July 1860.]

CAP. XLIII.

An Act for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop Tenison's *Charity in the Parish of* Saint Martin in the Fields, *in the City of* Westminster.—[23*d* July 1860.]

CAP. XLIV.

An Act to confirm certain Provisional Orders under the Local Government Act (1858) *relating to the Districts of* Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnsley, *and* Shipley; *and for other Purposes in relation thereto.*—[23*d* July 1860.]

CAP. XLV.

An Act to extend the Act of the Eighth and Ninth Years of Victoria, *Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in* Scotland.—[23*d* July 1860.]

8 & 9 Vict. c. 26.

WHEREAS by the Act Eighth and Ninth Victoria, Chapter Twenty-six, intituled *An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and*

and Waters in Scotland, Provision is made for preventing the Destruction of Trout and other Fresh-water Fish by Nets in the Rivers, Waters, and Lochs of *Scotland:* And whereas there are various other Ways by which Trout and other Fresh-water Fish may be destroyed which have not yet been declared illegal: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Fishing for Trout, &c. by means of Nets, &c. in any Rivers, &c. in Scotland prohibited.

I. That it shall not be lawful for any Person whatsoever, (except as herein-after provided), at any Time after the passing of this Act, to fish for Trout or other Fresh-water Fish in any River, Water, or Loch in *Scotland*, with any Net of any Kind or Description, or by what is known as Double Rod Fishing, or Cross Line Fishing, or Set Lines, or Otter Fishing, or Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to put into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same; and if any Person shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for, or attempting to take or fish for, in or from any such River, Water, or Loch, any Trout or other Fresh-water Fish by or with any Net of any Kind or Description, or by Double Rod Fishing, or Cross Line Fishing, or by Set Lines, or Otter Fishing, or by Burning the Water, or striking the Fish with any Instrument, or by Pointing, or by putting into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, besides forfeiting the Trout or Fish taken, and also every Boat or Net, Tackle, Instrument, or other Article in or by which the same may have been taken or attempted to be taken, and shall also pay the full Expenses of the Conviction: Provided that nothing in this Act contained shall prevent any Person having the Right to fish in any River, Water, or Loch in *Scotland*, or any Person having Permission from such Person, from exercising the Right of fishing in such River, Water, or Loch in any Mode not prohibited by Law prior to the passing of this Act.

Penalty.

Nothing to prevent Persons having Rights, &c. to fish.

Penalty for trespassing on any Ground or River to fish with Net, &c.

II. If any Person shall trespass upon any Ground, enclosed or unenclosed, or in or upon any River, Water, or Loch, with Intent to take any Trout or other Fresh-water Fish, with any Net, Double Rod, Cross Line, Set Line, or Otter, or by Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to destroy the Fish by putting Lime or other

other Substance destructive to Trout or other Fresh-water Fish into the Water, such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Power to Persons having Authority to seize Boats, Nets, &c. used in Commission of Offences.

III. It shall be lawful for any Person, having the Authority of the Proprietor of Land through or past which the River or Water flows or upon which the Loch is wholly or partially situate, to seize and detain any Boat or Net of any Description, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, used or intended to be used in the Commission of any such Offence, and also any Fish taken by any such Offender, and to give Information thereof to the Sheriff or Justice of the Peace.

Justices who are Proprietors not to be disqualified from acting.

IV. All Justices of the Peace shall and may act in the Execution of this Act notwithstanding that such Justices shall be the Proprietors of Land through or past which any River or Water may flow, or upon which any Loch may be wholly or partially situated, or shall otherwise have a Right of Trout or Fresh-water Fishing in any such River, Water, or Loch, except in Cases in which the Offence has been committed on the Property of such Justice, or in which such Justice is a Party to the Prosecution of the Case, or is directly interested in the Result thereof; and no such Proprietor or Party having Right as aforesaid shall be incompetent as a Witness to prove any Offence committed against this Act by reason of his being such Proprietor or having such Right.

For the Recovery of Penalties.

V. And for the Recovery of the Penalties and Forfeitures imposed by this Act, be it enacted, That any such Penalties or Forfeitures may be recovered by summary Proceeding upon Complaint in Writing made by the Procurator Fiscal or by any Party prosecuting for the same to the Sheriff or any Justice of the Peace for the County in which such Offence shall be committed, or to the Sheriff or any Justice of the Peace for any County in which the Offender may be found, and on such Complaint such Sheriff or Justice of the Peace shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against by any County Officer, either by delivering to such Party personally or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded; and either upon the Appearance or the Default to appear of the Party complained against it shall be lawful for the Sheriff or Justice to proceed

proceed to the hearing of the Complaint; and upon Proof of the Offence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern, adjudge, and sentence him to pay the Penalty or Forfeiture incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and it shall be lawful for the Sheriff or Justice to make such Orders concerning the immediate Disposal of any Boat, Net, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, or Fish seized or forfeited under the Provisions of this Act, as may be necessary.

Power to appeal in manner as in 20 G. 2. c. 43.

VI. It shall be lawful for any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justice of Peace pronounced in any Case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of his Majesty King *George* the Second, for taking away and abolishing Heritable Jurdisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal; and it shall not be competent to appeal from or bring the Judgment of any Sheriff or Justice of Peace acting in the Execution of this Act under Review, by Advocation or Suspension or by Reduction, or in any other Way than as herein provided.

Application of Penalties.

VII. All Penalties and Forfeitures imposed under the Authority of this Act shall, when levied, be paid, the one Half thereof to the Prosecutor and the other Half to the Inspector of the Poor of the Parish within which the Offence shall have been committed, on behalf of such Poor.

Limitation of Actions.

VIII. No Prosecution or other Proceeding whatever shall be

be brought or commenced against any Person for any Offence against this Act, unless the same shall be commenced within Three Months after such Offence shall have been committed.

Interpretation of Terms.

IX. The Words "River," "Water," or "Loch" occurring in this Act shall mean and include any Stream, Burn, Millpool, Mill-lead, Milldam, Sluice, Pond, Cut, Canal, and Aqueduct, and every other Collection or Run of Water in which Trouts and other Fresh-water Fish breed, haunt, or are found or preserved; the Word "Sheriff" shall mean the Sheriff or Steward of the County in which the Offence happens or Case arises, and shall include the Sheriff-Substitutes of such Sheriffs; the Expression "Justice of the Peace" shall mean a Justice of the Peace of the County in which the Offence happens or Case arises; and the Expression "County Officer" shall mean and include Sheriff's Officer, Constable, or any Officer of the County Police Force.

Saving the Laws regarding the Salmon Fisheries.

X. Nothing herein contained shall affect any Act of Parliament, General or Local, passed for the Preservation of the Salmon Fisheries in *Scotland*, or in relation to the fishing of Salmon or Fish of the Salmon Kind in *Scotland*.

Saving the Laws regarding fishing with Single Rod.

XI. Nothing herein contained shall affect or apply to the killing of Trout or other Fresh-water Fish with Single Rod and Line which shall be regulated by the Laws in existence prior to the passing of this Act.

CAP. XLVI.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the Caledonian *and* Crinan *Canals.*—[23*d* July 1860.]

43 G. 3. c. 102. 44 G. 3. c. 62. 6 G. 4. c. 15. 3 & 4 Vict. c. 41. 33 G. 3. c. 104. 39 G. 3. c. 27. 39 G. 3. c. 71. 45 G. 3. c. 85. 51 G. 3. c. 117.

WHEREAS the following Acts were passed for the Purpose of making and keeping in repair or otherwise regulating and improving the *Caledonian* and *Crinan* Canals; that is to say, the Acts Forty-third *George* the Third, Chapter One hundred and two; Forty-fourth *George* the Third, Chapter Sixty-two; Sixth *George* the Fourth, Chapter Fifteen; Third and Fourth *Victoria*, Chapter Forty-one; Thirty-third *George* the Third, Chapter One hundred and four; Thirty-ninth *George* the Third, Chapter Twenty-seven; Thirty-ninth *George* the Third, Chapter Seventy-one; Forty-fifth *George* the Third, Chapter Eighty-five; Fifty-first *George* the Third, Chapter One hundred and seventeen; Fifty-sixth *George* the Third, Chapter One hundred and thirty-five; Third and Fourth *William* the Fourth,

Fourth, Chapter Thirteen; Eleventh and Twelfth *Victoria*, Chapter Fifty-four; and Twenty and Twenty-first *Victoria*, Chapter Twenty-seven: And whereas by the said Act Eleventh and Twelfth *Victoria*, Chapter Fifty-four, the Commissioners of the *Caledonian* Canal were incorporated, and the *Caledonian* Canal and the *Crinan* Canal were vested in the Commissioners: And whereas it is expedient that the subsisting Powers of the recited Acts relating to the said Canals should be amended and enlarged, and that further Powers should be conferred on the Commissioners for the Maintenance, Management, and Regulation of the said Canals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

56 G. 3. c. 135. 3 & 4 W. 4. c. 13. 11 & 12 Vict. c. 54. 20 & 21 Vict. c. 27.

I. This Act may be cited for all Purposes as "The *Caledonian* and *Crinan* Canals Amendment Act, 1860." Short Title.

II. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall mean and include the whole Navigations of the *Caledonian* Canal and the *Crinan* Canal, and all the Harbours, Wharfs, Quays, Basins, and other Works connected therewith respectively; and the Expression "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal, incorporated by the recited Act Eleventh and Twelfth *Victoria*, Chapter Fifty-four. Interpretation of Terms.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," so far as not altered by this Act, is hereby incorporated with this Act, and shall apply to the Canals, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Purchase and taking of Lands otherwise than by Agreement; with respect to the Entry upon Lands by the Promoters of the Undertaking; with respect to small Portions of intersected Land; and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof; and the Expression "the Promoters of the Undertaking" in the said Act shall mean the Commissioners under this Act. 8 & 9 Vict. c. 18. incorporated.

IV. "The Commissioners Clauses Act, 1847," so far as not altered by this Act, is hereby incorporated with this Act, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Qualification of Commissioners; with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers, or other like Class of Electors; with respect to the Meetings and other Proceedings of the Commissioners, 10 & 11 Vict. c. 16. incorporated.

sioners, and their Liabilities; and with respect to the Accounts to be kept by the Commissioners; and also with the Exception of Section Eighty-four; and the Word "Commissioners" in the said Act shall mean the Commissioners under this Act.

10 & 11 Vict. c. 27. incorporated.

V. "The Harbours, Docks, and Piers Clauses Act, 1847," so far as not altered by this Act, is hereby incorporated with this Act, and shall apply to the Canals, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Construction of the Harbour, Dock, or Pier; with respect to the Construction of Works for the Accommodation of the Officers of Customs; with respect to Life Boats; with respect to keeping a Tide and Weather Gauge; and with respect to the Police of the Harbour, Dock, or Pier; and also with the Exception of Sections Twenty-five and Twenty-six; and the Expression "the Harbour, Dock, or Pier" in the said Act shall mean the Canals under this Act; and the Expression "the Undertakers" in the said Act shall mean the Commissioners under this Act; and the Word "Harbour Master" in the said Act shall extend to and include "Lock Keeper."

Commissioners authorized to maintain the Canals.

VI. It shall be lawful for the Commissioners, from Time to Time and at all Times hereafter, to support, maintain, and improve, and to use the Canals, together with all Harbours, Basins, Reservoirs, Aqueducts, Feeders, Water Tanks, Fens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Banks, Fences, Ways, Roads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Warehouses, Toolhouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works and Appurtenances to the Canals respectively belonging or in anywise appertaining, and to do and perform all such Acts as the Commissioners shall think expedient for maintaining, repairing, improving, and supporting the Canals and the Appurtenances belonging thereto, and for the full Use and Enjoyment thereof; and it shall be lawful for the Commissioners to widen and enlarge the Canals and the Works thereto belonging, and to raise the Banks or sink the Bed of the Canals, in such Place or Places and in such Way and Manner as the Commissioners shall think fit, for making the same not less than Ten Feet and not more than Twenty Feet Depth of Water, and this Act shall be sufficient to indemnify the Commissioners, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject, nevertheless, to the Provisions and Restrictions herein contained: Provided always, that nothing herein contained shall enable the Commissioners

missioners to purchase or take any Lands or Grounds for any of the Purposes aforesaid without the Consent of the Owners and Occupiers of such Lands or Grounds.

Power to allow Use of Water to Manufactories and Works on the Sides of the Canals.

VII. The Twenty-second Section of the recited Act, Forty-fourth *George* the Third, Chapter Sixty-two, is hereby repealed, and henceforth it shall be lawful for the Commissioners to license or grant Permission to all Persons who already have erected or may hereafter erect and establish any Manufactory, Distillery, or others Works near to the Canals or either of them to lay Pipes (of such Size and Dimensions as the Commissioners shall think proper) through the Banks thereof, for conducting the Water therefrom to such Manufactory, Distillery, or other Work, for the Purposes thereof; and all such Pipes shall be placed, at the Sight and under the Direction and Superintendence of the Commissioners, in such Way and Manner as the Commissioners shall direct and appoint, so as not to weaken or endanger the Banks of the Canals, and shall be so laid, and the Works they are intended to serve so constructed and situated, that the Level of the Surface Water of the Canals shall not at any Time be affected thereby, and that the Water, after serving the Purposes of such Works, shall be returned into the Canals, or into the Rivers, Streams, or Watercourses adjacent thereto or communicating therewith, and free from any Mud or Impurity which may be injurious thereto; and no Person shall lay any such Pipe into the Canals or either of them without a previous Order in Writing of the Commissioners, who shall and may from Time to Time establish such other Rules and Regulations as they shall think fit for the Supply in particular Cases, and the proper Use of the Water hereby authorized to be given for the Purposes aforesaid, (the same not being contrary to the Law of *Scotland*,) and who may remove every Pipe laid without their Consent, and stop or cut off the Supply of Water to any such Manufactory, Distillery, or other Work in or for which the same shall not be used agreeably to this Act or such Rules and Regulations; and it shall be lawful for the Commissioners to provide in any Licence or Agreement to or with any such Persons suitable Penalties for the Infringement of the said Rules and Regulations, not exceeding Ten Pounds Sterling for each Offence, and not exceeding Five Pounds Sterling for each Day during which the Infringement of such Rules and Regulations shall continue after Notice shall have been given to the Person or Persons so offending to abate or remove the same: Provided, that nothing herein contained shall authorize the Commissioners to diminish the Streams by which the Salmon have Ingress into the Loch *Lochy*, the Loch *Oich*, and the Loch *Ness*.

VIII. It

Power to Commissioners to run off the Water from the Canals, and stop the Supplies to such Works.

VIII. It shall be lawful for the Commissioners, when and as often as they shall think proper, to run off the Water from the Canals or either of them, for the Purpose of repairing the same or any Part thereof respectively, or for any other Purpose whatsoever, and in Case of a Scarcity or apprehended Scarcity of Water for the Purposes of the Canals or either of them, to stop the Supplies to the said Manufactories, Distilleries, and other Works, without giving any Notice to the Proprietors or Occupiers thereof, and without being liable for any Damage any such Proprietor or Occupier may suffer or pretend to suffer by being thereby deprived of the Use of such Water.

Power to enclose Quays and Wharfs.

IX. It shall be lawful for the Commissioners to enclose with Walls or other Fences and locked Gates, with Keepers placed thereon for opening and shutting the same, such of the said Quays or Wharfs, or Parts thereof, as the Commissioners may think fit, and to exclude from the said Quays or Wharfs so to be enclosed all and every Person or Persons who may not have Business to transact within the said enclosed Quays or Wharfs.

Power to levy Rates and Duties as herein named.

X. From and after the passing of this Act, it shall be lawful for the Commissioners to demand, take, and recover the following Rates and Duties; that is to say,

On all Goods whatever navigated or conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Threepence *per* Ton *per* Mile; or on all Vessels so navigated or conveying such Goods along the Canals or either of them, or any Part thereof respectively, a Duty not exceeding Twopence *per* Mile for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On all light Vessels without a Lading, or in Ballast only, so navigated, a Duty not exceeding One Penny *per* Mile for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On every Vessel lying in any of the Harbours and Basins on the Line of the Canals or either of them, a Duty not exceeding Sixpence *per* Ton:

On every Ton of Timber lying in any Part of the Canals or either of them, a Duty not exceeding Fourpence *per* Ton *per* Month; and in the same Proportion for any greater or less Quantity than a Ton, or for a longer or shorter Time than a Month:

On all Passengers, Animals, and Carriages, shipped or unshipped in the Canals or either of them, and on all Goods landed or put into Lighters from or loaded into Vessels lying in the Canals or either of them, or any Part thereof respectively, the Duties not exceeding the several Rates specified

specified in the Schedule (A.) to this Act annexed; and on all Vessels so landing or receiving on board such Passengers, Animals, Carriages, or Goods a Duty not exceeding Twopence for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On every Ton of Goods and Commodities remaining above Twenty-four Hours upon any of the Quays, Wharfs, or Landing Places, or at any Place on the Line of the Canals or either of them, a Duty not exceeding One Penny *per* Ton *per* Day, and in the same Proportion for any greater or less Quantity than a Ton:

On every Passenger conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Two Shillings and Sixpence for any One Passage:

On all Horses and Cattle conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding One Shilling *per* Head:

On all Sheep, Hogs, Goats, Calves, or Lambs conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Sixpence *per* Head:

On all Parcels not exceeding Fifty-six Pounds in Weight conveyed along either of the Canals, or any Part thereof respectively, a Duty not exceeding Threepence for each such Parcel:

The said Rates and Duties to be levied agreeably to such Orders and Regulations as shall from Time to Time be issued by the Commissioners.

Power to Commissioners to make Docks, &c.

XI. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Moneys to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of making and maintaining such Graving and other Docks or Tidal Basins, Quays, Wharfs, and Patent or other Slips, for the Accommodation or Repair of Vessels, as they may think it expedient to make and maintain, on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

Power to levy Rates on Vessels using Docks as in Sched. (B.)

XII. It shall be lawful for the Commissioners to levy and receive at every such Graving Dock or Patent Slip made and maintained as last aforesaid such Rates on Vessels using the same as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule (B.) to this Act annexed.

Power to levy Rates for Sheds and Warehouses.

XIII. It shall be lawful for the Commissioners to levy on and in respect of all Goods placed or stored in the Sheds or Warehouses erected or to be erected by them, such Rates as the

the Commissioners may from Time to Time deem expedient, and the Commissioners shall have all the same Rights and Remedies for recovering such Rates as are given to them by this Act and the Acts incorporated herewith, or by the recited Acts or any of them, in reference to the Rates thereby made payable.

Power to levy Rates for Cranes, Weighing Machines, and Lights, as in Sched. (C.)

XIV. It shall be lawful for the Commissioners to levy, for and in respect of the Use of Cranes, Weighing Machines, and Lights, such Rates as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule (C.) to this Act annexed; and such Rates shall be paid by the Owner of the Goods, or by the Owner, Agent, Master, Consignee, or other Person in charge of the Vessels using the said Cranes, Weighing Machines, or Lights.

Rates to be charged equally.

XV. All Rates and Tolls levied and taken under the Powers of this Act shall at all Times be charged equally to all Persons, and after the same Rate, whether *per* Ton, or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods of the same Description and passing over the same Portion of the Canals or either of them, under the same Circumstances, and no Reduction or Advance in any such Rates and Tolls shall be made, either directly or indirectly, in favour of or against any particular Company or Persons travelling upon or using the Canals or either of them.

Mode of charging Rates.

XVI. It shall be lawful for the Commissioners, in levying the Rates and Duties under the Powers of this Act or of any of the recited Acts, to apportion the same as the Commissioners may from Time to Time deem expedient, and to charge such Rates and Duties partly on and in respect of Vessels entering or using either of the Canals, and either according to the registered or actual Measurement of such Vessels, and partly on and in respect of the Goods contained in such Vessels: Provided always, that all such Rates and Duties shall in the first place be paid by the Masters of the Vessels, who shall have full Power and Authority to recover from the Owners of the Cargo the Rates and Duties which may have been charged thereon, in as full and ample Manner as the Commissioners could do under the Powers conferred upon them by this Act and the Acts incorporated herewith, or by any of the recited Acts.

Materials for Repairs exempt from Duty.

XVII. None of the Rates or Duties granted by this Act or by any of the recited Acts shall be leviable upon Vessels, Stone, Lime, or other Materials to be used in the Construction or Repairs of the Canals or either of them, or of the Harbours, Wharfs, Quays, or other Works connected therewith.

Repeal of 44 G. 3. c. 62. s. 61.

XVIII. The Fifty-first Section of the recited Act of the Forty-fourth *George* the Third, Chapter Sixty-two, is hereby repealed; and henceforth no Vessel shall pass singly through any

any of the Locks of the *Caledonian* Canal of less Burden than Twenty-five Tons, or through any of the Locks of the *Crinan* Canal of less Burden than Eighteen Tons, without the Consent of the Commissioners or some One of their Officers in Writing first had and obtained, and unless the Owner or Master of such Vessel shall pay Tonnage equal to a Vessel of Twenty-five Tons or of Eighteen Tons, as the Case may be. Vessels under 25 or 13 Tons not 20 pass Locks unless they pay for 25 or 18 Tons.

XIX. It shall be lawful for the Commissioners to use and employ Vessels, and to carry and convey along the Canals all such Passengers and Goods as shall be offered to them for that Purpose, and to make such Charges in respect thereof as they may from Time to Time determine upon, and they shall have all the same Rights and Remedies for recovering the same as are given to them by this Act and the Acts incorporated herewith, or by any of the recited Acts in reference to the Tolls, Rates, and Duties thereby made payable. Commissioners may employ Vessels and carry Passengers and Goods.

XX. In addition to the Powers of making Byelaws contained in any of the Acts incorporated herewith, the Commissioners may, subject to the Provisions of this Act, from Time to Time make such Byelaws as they shall think fit for all or any of the following Purposes; (that is to say), Byelaws.

For regulating the Conduct of the Owners, Masters, Pilots, and Crews of Vessels with regard to their Times and Speed of sailing, the Mode of navigating such Vessels, the having proper Lights ahead or otherwise, the taking on board and landing or putting out Passengers and towing of Vessels, and the Size and Number of Vessels towed at One Time in One Train:

For regulating the Conduct of Boatmen and others plying on the Canals, or either of them, in landing Passengers from and putting them on board of Vessels:

And the Byelaws and Regulations to be so made by the Commissioners shall be observed under such Penaltics as are provided by the said Harbours, Docks, and Piers Clauses Act, not exceeding the Sum of Five Pounds for each Offence.

XXI. It shall be lawful for the Commissioners from Time to Time, as Occasion may require, to license, appoint, and regulate Pilots employed in the Navigation of Vessels in the Canals or either of them, and the Channels leading thereto respectively, and to remove and displace them at Pleasure, and to fix the Rate of Pilotage to be paid to such Pilots. Power to license Pilots.

XXII. The Commissioners shall not be liable or responsible for Accident, Loss, or Damage which may arise to any Vessel or to the Cargo thereof in consequence of the Employment of any Pilot licensed by the Commissioners, but the Pilot so employed shall be answerable for any wilful or culpable Neglect or Mismanagement. Responsibility of Pilots.

XXIII. It

Power to borrow Money on the Security of the Rates.

XXIII. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the Commissioners shall think necessary, in addition to any Sum of Money they are at present authorized to borrow under former Acts, not exceeding Twenty thousand Pounds, on the Security of the Canals and the Tolls and Rates leviable under this Act and any of the recited Acts, and to grant and execute Mortgages or Assignations of the Canals and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Power to Public Works Loan Commissioners to lend Money to the Commissioners.

XXIV. It shall be lawful for the Public Works Loan Commissioners, if they in their Discretion shall think fit, to advance and lend to the Commissioners from Time to Time any Sum or Sums of Money not exceeding Twenty thousand Pounds on the Security of the Canals, and the Tolls and Rates leviable under this Act and any of the recited Acts, and to accept and take from the Commissioners Mortgages or Assignations of the Canals, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided that the Moneys to be borrowed by the Commissioners under the Provisions of this Act from the said Public Works Loan Commissioners, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of Twenty thousand Pounds.

Application of Rates and Moneys borrowed.

XXV. All Rates levied and all Rents received and all Moneys borrowed under the Authority of this Act shall be applied and expended on or in connection with the Canals or either of them, and in providing additional Accommodation for the Traffic thereon, or in making any Docks, Basins, or Slips as aforesaid, as shall from Time to Time appear to the Commissioners expedient.

Protection of Persons lending Money under this Act.

XXVI. No Person lending Money to the Commissioners, and taking a Mortgage or Assignation in Security, for securing Repayment of the same, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the Provisions of this Act have been duly complied with.

Power to Commissioners to purchase Land not exceeding 50 Acres.

XXVII. Subject to the Provisions of this Act and of the Acts incorporated herewith, it shall be lawful for the Commissioners from Time to Time to contract with any Person for the Purchase of any Lands not exceeding in the whole Fifty Acres (in addition to the Lands now vested in or belonging to the Commissioners), in such Place or Places as the Commissioners shall deem eligible or convenient for any of the Purposes by this Act and the Acts incorporated herewith or by any of the recited Acts authorized.

XXVIII. It

Superfluous Lands may be disposed of.

XXVIII. It shall be lawful for the Commissioners to sell, lease, feu, or convey, in consideration of a Price paid down, or of a yearly Rent or Feu Duty, Ground Annual, or other annual Payment, such Portions of the Lands as they may have purchased as last aforesaid, and any Lands which may not be required for the Purposes of the Canals, in any way, and at such time as they shall think most expedient; and the Conveyances and Titles to be granted by the Commissioners on the Sale or Lease of any such Lands shall be good, valid, and effectual to the Purchasers or Lessees, freed and disburdened of the Debts and pecuniary Obligations of the Commissioners, except so far as such Lands may be subject or liable to the Payment of the Purchase Money or Rent, as the Case may be.

Commissioners empowered to grant or lease the Canals for a Term of Years.

XXIX. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to grant or lease the Canals or either of them, and all the Works and Appurtenances thereof or thereto belonging respectively, for a Period not exceeding Ninety-nine Years, with or without any annual Return or Rent therefor, to any Person or Company, under such Provisions, Conditions, Restrictions, and Limitations as the Commissioners shall think necessary and proper: Provided always, that any such Grant or Lease shall, within Twenty-one Days after completing the same, be laid before both Houses of Parliament, if then sitting, or otherwise within Fourteen Days after the next Meeting of Parliament.

Upon Execution of Grant or Lease the Powers of Commissioners to cease.

XXX. Upon the Execution of such Grant or Lease, all the Powers and Authorities conferred by this Act and the Acts incorporated herewith, or by any of the recited Acts, upon the Commissioners, shall, as regards the Subject Matter, and during the Continuance of such Grant or Lease, cease and determine, and the Commissioners shall be and they are hereby released and exonerated from all Liabilities and Responsibilities which they were or might in anywise be considered to be under as such Commissioners.

Commissioners may lease the Rates and Duties.

XXXI. It shall be lawful for the Commissioners to let on Lease, by Private Contract or Agreement, or by Public Roup or Sale, as they may deem most expedient, all or any of the Rates and Duties by this Act or by any of the recited Acts authorized to be levied, to any Person or Company, for a Period not exceeding Three Years; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Tolls, Rates, and Duties so let, shall during the Continuance of every such Lease have the same Power and Authority for levying, collecting,

ing, and recovering the same as are conferred on the Commissioners by this Act and the Acts incorporated herewith, or by any of the recited Acts.

Commissioners may grant Annuities to their Officers.

XXXII. It shall be lawful for the Commissioners, at any General Meeting to be held by virtue of any of the recited Acts, to give and grant to such Officers or Servants as may be deemed deserving, and who shall by reason of Age or Infirmity or Injuries received be incapable of further Service, Annuities for their respective Lives or for shorter Terms, and also any Donations or annual Sums to the Widows or Families of such Officers or Servants, such Annuities, Donations, or annual Sums being payable out of any Funds which for the Time being may be in the Hands of the Commissioners.

For Recovery of Rates and Penalties.

XXXIII. The Rates and Penalties by this Act authorized to be levied and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under any of the recited Acts; and all the Enactments and Provisions contained in the recited Acts with respect to the levying and Recovery of the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

Recited Acts not to be affected, except by the Provisions of this Act.

XXXIV. Nothing herein contained shall repeal, alter, or affect the recited Acts or any of them, except in so far as the recited Acts or any of them, or any Part thereof respectively, may be contrary to or inconsistent with this Act, or with the Acts incorporated herewith, but the recited Acts, and the whole Clauses and Provisions therein contained, except in so far as they are so altered, affected, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act; and the recited Acts and this Act shall, as to the Powers and Provisions, Matters, and Things not repealed, altered, or affected, be construed together as One Act.

Saving Rights of Inverness Harbour Trustees.

XXXV. Nothing in this Act contained shall alter, prejudice, or affect Sections Fifty-four and Fifty-five of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for deepening, enlarging, improving, and maintaining the Port and Harbour of* Inverness, *and the Navigation of the River* Ness, *and the Quays and Piers and other Works connected therewith, and regulating the Anchorage and Shore Dues of the said Port and Harbour, and for other Purposes relating thereto,* or any of the Powers, Rights, and Authorities conferred by the said Act on the Trustees acting under the same.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

I.—Rates on Passengers, Animals, and Carriages, to be levied at Wharfs, Piers, Jetties, or Landing Places.

	£	s.	d.
Each Passenger	0	0	2
Each Horse	0	1	0
Do. under Thirteen Hands, and each Mule or Ass	0	0	6
Each Bull, Cow, Bullock, or Heifer	0	0	6
Do. under Two Years old	0	0	3
Each Calf	0	0	1
Dogs, Sporting only, each	0	0	3
Other Dogs, each	0	0	1
Sheep, Lambs, Goats, or Swine, per Score, 1s., or if under Ten, each	0	0	1
Each Four-wheeled Coach or Carriage	0	1	0
Each Gig or Two-wheeled Carriage	0	0	6
Each Cart, loaded	0	1	0
Do., empty	0	0	6
Each Two-wheeled Barrow or Truck, with Luggage	0	0	4
Each Wheelbarrow with Luggage	0	0	2
Each Parcel or Package carried by a Porter	0	0	1

II.—Rates on Goods shipped or unshipped in the Canals, and to be levied at Wharfs, Piers, Jetties, or Landing Places.

Description of Goods.	Quantities.	Rates.		
	Imperial Standard.	£	s.	d.
Ale, Beer, and Porter	Per Barrel Bulk	0	0	2
Bark	Per ton	0	0	8
Birch or Alder Staves	Per 1,000	0	0	2
Bones, Bone Dust, and Guano	Per Ton	0	1	0
Butter and Cheese	Per Stone	0	0	1
Cement	Per Cwt.	0	0	1
Chalk	Per Ton	0	0	3
Cloths, Carpeting, Haberdashery, Hosiery	Per Barrel Bulk	0	0	2
Coals, Coke, or Cinders	Per Ton	0	0	3
Copper, Zinc, Brass, Lead, Tin	Per Cwt.	0	0	1
Cotton Wool	Per Ton	0	1	0
Crystal, China, and Earthenware	Per Barrel Bulk	0	0	2
Eggs	Ditto	0	0	2
Empty Herring Barrels or Boxes	Each	0	0	0½
Other Empty Casks in proportion to Size.				
Feathers	Per Cwt.	0	0	2
Fish :—Salmon in Kits or Boxes	Per Barrel Bulk	0	0	3
Herrings, packed	Per Barrel	0	0	2
Other Fish	Per Box	0	0	1½
Flour	Per Sack	0	0	3
Fruit	Per Barrel Bulk	0	0	2
Grain :—Wheat	Per Quarter	0	0	3
All other Kinds	Ditto	0	0	2

Description of Goods.	Quantities.	Rates.		
	Imperial Standard.	£	s.	d.
Groceries	Per Barrel Bulk	0	0	2
Gunpowder	Per Barrel	0	0	2
Hardwares	Per Barrel Bulk	0	0	6
Hay and Straw	Per Ton	0	0	2
Hemp, Flax, or Tow	Per Cwt.	0	0	1
Hides	Ditto	0	0	1
Hoops of Wood	Per 100	0	0	$0\frac{1}{2}$
Horns and Hoofs	Per Cwt.	0	0	1
Household Furniture	Per Barrel Bulk	0	0	2
Husbandry Utensils	Ditto	0	0	2
Iron Castings	Per Cwt.	0	0	1
Iron Cables	Ditto	0	0	1
Iron Wire	Ditto	0	0	2
Kelp	Per Ton	0	0	4
Leather	Per Cwt.	0	0	1
Lime,—in Shells	Per 64 Bushels	0	0	8
Slaked	Ditto	0	0	6
Loam, Pipe and Fire Clay	Per Ton	0	0	3
Machinery	Per Barrel Bulk	0	0	3
Manure, Common	Per Ton	0	0	3
Meal	Per 140 lbs.	0	0	2
Metallic Ores	Per Ton	0	0	6
Oils,—Fish or Vegetable	Per Barrel Bulk	0	0	3
Peats or Turf	Per 1,000	0	0	2
Potatoes	Per Cwt.	0	0	$0\frac{1}{2}$
Rags	Ditto	0	0	$0\frac{1}{2}$
Rape or Linseed Cakes	Per Ton	0	0	6
Ropes, Cordage, Netting, and Canvass	Per Cwt.	0	0	2
Salt	Per Ton	0	0	6
Sand,—Soil and Gravel	Ditto	0	0	2
Seeds,—in Bags or Casks	Per Barrel Bulk	0	0	2
Skins	Per Dozen	0	0	1
Slates, Bricks, and Tiles	Per 1,200	0	0	6
Soap, Soda, and Saltpetre	Per Cwt.	0	0	$0\frac{1}{2}$
Spirits :—Foreign or Colonial	Per Gallon	0	0	$0\frac{1}{4}$
British	Ditto	0	0	$0\frac{1}{3}$
Steel and Iron,—Bar or Pig	Per Ton	0	1	0
Stones,—for Building or Paving	Ditto	0	0	2
Flagstones, Millstones, Grindstones	Ditto	0	0	6
Sugar	Per Hogshead or Tierce	0	0	6
Ditto	Per Barrel	0	0	2
Tallow and Grease	Per Barrel Bulk	0	0	3
Tar and Pitch	Per Barrel	0	0	2
Timber :—Foreign	Per Load	0	1	0
Home, manufactured	Ditto	0	0	9
do. not manufactured	Ditto	0	0	6
Wine :—in Casks	Per Barrel Bulk	0	1	0
in Bottles	Ditto	0	0	6
Wool	Per Stone of 24 lbs.	0	0	$0\frac{1}{2}$

All other Goods, Wares, Merchandise, and Commodities whatsoever, not enumerated or specified in the above Schedule, to pay at the Rate of Twopence per Barrel Bulk, or at Rates varying from Threepence to One Shilling per Ton, in proportion to such Articles in the Schedule as they come nearest to.

The Tonnage of all Articles to be ascertained by the gross Weight or Cubic Contents thereof, and Documents showing the Measurement of Bale or Dry Goods must be produced.

The Barrel Bulk of all Articles not otherwise rated to be Five Cubic Feet, excepting when the said Measure shall exceed Two and a Half Hundredweight, in which Case Two and a Half Hundredweight is to be rated a Barrel Bulk; Eight Barrels Bulk or Forty Cubic Feet to be reckoned One Ton; the Load of Oak, Ash, Elm, Beech, Birch, or other Hard Wood to be estimated at Forty Cubic Feet; and of Pine, Larch, or Fir Timber, at Fifty Cubic Feet.

With respect to the common planted Fir Timber of Home Growth, the Shipper or Importer has the Option of paying, either according to the Rates specified in the Table, or at Fourpence per Ton Register of the Vessel, and Threepence per Ton Register for manufactured Timber.

Timber imported into the Canals, or conveyed from one Part of the Line to another, for the Purpose of being manufactured, and afterwards reshipped by the Canals, to be exempted from Dues until Reshipment, with the Exception of Wharfage, at the Rate of One Penny per Ton Register of the Vessel carrying the same when discharged at any Wharf.

Small Packages not measuring One and a Quarter Cubic Foot, or not weighing Twenty-eight Pounds, to be reckoned One Fourth of a Barrel Bulk.

Passengers by Steam Vessels to be allowed to the Extent of One Hundredweight each for Luggage, but on each and every Package beyond that Weight Dues are to be levied.

Empty Casks or Boxes to be rated at One Eighth of their Capacity, per Gauge Measure.

When empty Casks or Packages are exported and returned filled, the Owners, if the same Parties, shall be entitled to an Allowance or Drawback of the Dues chargeable on their Shipment.

All Goods landed and afterwards reshipped, without Bulk being broken, and also all returned empty Boxes, Casks, Bags, or other Packages, are exempted from Dues.

Ballast.

Ballast, unless to be immediately carted away, must be landed

landed and deposited where the Harbour Master may direct, and in this Case to be the Property of the Commissioners.

Vessels, if allowed to take Ballast from Spoil Banks, or from any Depôt of Materials provided for the Purpose, to pay Dues therefor at the Rate of One Penny per Register Ton.

SCHEDULE (B.)

RATES ON VESSELS ON EACH TIME OF ENTERING OR USING THE GRAVING DOCKS OR SLIPS.

On all Vessels entering or using any of the Docks or Slips, per Register Ton per Day, Threepence.

SCHEDULE (C.)

I. RATES FOR THE USE OF CRANES.

	s.	*d.*
Each Hogshead of Goods not exceeding 12 Cwt. .	0	3
Do. do. from 12 to 15 Cwt. .	0	4
Do. do. from 15 to 20 Cwt. .	0	6
Each Ton of Goods	0	6

II. RATES FOR WEIGHING.

Each Cart, Waggon, or other Carriage, Load, or Weight	0	2

III. RATES FOR LIGHTS.

Each Vessel using any Wharf, Pier, Jetty, or Landing Place at Night, which shall be lighted by the Commissioners, for every 10 Tons Register . .	0	$0\frac{1}{2}$

CAP. XLVII.

An Act to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in Scotland.—[23*d* July 1860.]

WHEREAS by the Fourteenth Section of an Act passed in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in* Scotland, it was enacted, that

3 & 4 W. 4. c. 76.

that no Person should be entitled to be received and inducted as Councillor who shall not previous to such Induction be entered a Burgess for the Burgh of which he is so elected, wherever there is any Body of Burgesses in any such Burgh, and that his Omission to produce Evidence of his being such Burgess when he declares his Acceptance of Office shall be held to vacate his Election, in the same Manner as if he had declined to accept: And whereas by an Act passed in the Ninth Year of Her present Majesty, intituled *An Act for the Abolition of the exclusive Privilege of Trading in Burghs in* Scotland, the exclusive Privileges and Rights possessed in certain Royal and other Burghs in Scotland, by the Members of certain Guilds, Crafts, or Incorporations, of carrying on or exercising certain Trades or Handicrafts within their respective Burghs, are abolished: And whereas it is expedient to repeal the said Clause of the first-recited Act, and to make Provision for the Admission of Persons to be Burgesses in manner and under the Conditions herein prescribed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 9 & 10 Vict c. 17.

I. That the said Fourteenth Section of the first-recited Act, in so far as inconsistent with this Act, shall be and the same is hereby repealed. Sect. 14. of 3 & 4 W. 4. c. 76. repealed.

II. That it shall be lawful to the Magistrates and Council of any Royal Burgh, and they are hereby authorized and empowered, to admit any Person entitled to vote in the Election of any Member of Council for such Burgh to the Status of a Burgess thereof, and that by a Minute of the Council thereof, and on Payment of such Entry Money, not exceeding in any Case the Sum of One Pound, as the Council of the Burgh may from Time to Time fix, which Entry Money shall be accounted Part of the Common Good of the Burgh, and be applied accordingly; and every Person entitled to vote in the Election of any Member of Council shall, on being elected a Member of the Council of any Burgh, thereupon be eligible to be inducted, if before Induction he shall be admitted in manner aforesaid to the Status of a Burgess of the Burgh, anything contained in the said Fourteenth Section of the first-recited Act notwithstanding: Provided always, that such Admission by Minute of Council shall not *per se* be held to give or imply any Right or Title to or Interest in the Properties, Funds, or Revenues of any of the Guilds, Crafts, or Incorporations of the Burgh, or any Mortifications or Benefactions for behoof of the Burgesses of such Guilds, Crafts, or Incorporations, or of their Electors of Members of Council may be admitted as Burgesses on certain Conditions.

their Families, or any Right of Management thereof, or any Membership in any of the said Guilds, Crafts, or Incorporations.

CAP. XLVIII.

An Act to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith.—[23*d* July 1860.]

WHEREAS a Debt was contracted by the City of *Edinburgh* to the Commissioners of Her Majesty's Treasury for Advances made towards the Improvement of the Harbour and Docks of *Leith*, and Bonds were granted by the Lord Provost, Magistrates, and Council of the said City to the said Commissioners for further securing the said Debt, which, after Deduction of the Payments made to Account thereof, amounted in the Year One thousand eight hundred and thirty-eight to Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence: And whereas by the Act First and Second *Victoria*, Chapter Fifty-five, the Harbour and Docks of *Leith*, and all the Property connected therewith and Revenues arising therefrom, were vested in the Commissioners appointed by the said Act for the Superintendence and Management of the said Harbour and Docks, and the preferable Right and Security granted to and held by the said Commissioners of the Treasury were postponed to the annual Payment of Seven thousand six hundred and eighty Pounds, therein provided for, and to such annual Sums as should be approved of and allowed by the said Commissioners of the Treasury as the Establishment for the said Harbour and Docks, including Expenses of Management, Maintenance and Repairs, and the said Commissioners of the Treasury were thereby authorized to postpone further the Security held by them to any Loan to be effected by the Commissioners for the said Harbour and Docks for the Execution of Improvements and Repairs, not exceeding in all the Sum of One hundred and twenty-five thousand Pounds, and to forego for such Time as the said Commissioners of the Treasury should think fit the Exaction, in whole or in part, of the Interest to become due upon the Amount of the Debt which should remain owing; and it was by the said Act provided, that the said Debt should be secured on the Revenues of the said Harbour and Docks, and Works and

1 & 2 Vict. c. 55.

and Property vested in the Commissioners for the said Harbour and Docks, and that no Claim or Demand should thereafter be competent to the said Commissioners of the Treasury for the Principal or Interest of the said Debt, or any Part thereof, from or against any of the other Property or Revenues of the City of *Edinburgh*, or the Lord Provost, Magistrates, and Council thereof: And whereas by the Act Seventh *Victoria*, Chapter Twenty, the said Commissioners were incorporated by the Name of "The Commissioners for the Harbour and Docks of *Leith*:" And whereas by the Act (Local and Personal) Tenth *Victoria*, Chapter Twenty-five, the said Commissioners were authorized to levy the Rates and Duties specified in the Schedules annexed to the said Act on all Goods imported into or exported from the Harbour of *Leith* and Precincts thereof, and on all Vessels coming into or going out of the said Harbour and Precincts thereof, and for the Use of the Cranes and Weighing Machines, Rails, and Sheds at the said Harbour and Docks; and it was by the said Act provided that the said Commissioners should, in lieu of the Customs, Rates, Imposts, and Market Dues thereby abolished, pay annually, out of the Rates and Duties thereby authorized to be levied, to the Magistrates and Council of the Town of *Leith* the Sum of Five hundred Pounds at the Terms therein specified: And whereas by the Act Tenth and Eleventh *Victoria*, Chapter One hundred and fourteen, it was provided that the Debt to Her Majesty from the Commissioners for the Harbour and Docks of *Leith* at the Term of *Whitsunday* One thousand eight hundred and forty-seven, including all Arrears of Interest due at that Term, should be taken at the said Sum of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and the said Commissioners of the Treasury were thereby empowered to allow the Commissioners for the said Harbour and Docks to appropriate the whole Monies then in their Hands, or which might thereafter accrue to them from the surplus Revenue of the said Harbour and Docks, or such Part thereof as the said Commissioners of the Treasury from Time to Time should think fit to allow for that Purpose (after Payment of the said annual Sum of Seven thousand six hundred and eighty Pounds, and the Expense of the Establishment and any extraordinary Expense which might be necessary in the event of any unforeseen Damage arising to the Works of the said Harbour and Docks through Storm or Accident), towards the Expense of carrying into execution the Plan for the Improvement of the said Harbour and Docks referred to in the said Act, with such Alterations, Additions, or Omissions as should be from Time to Time sanctioned by the said Commissioners of the

7 Vict. c. 20.

10 Vict. c. xxv.

10 & 11 Vict. c. 114.

the Treasury: And whereas the Commissioners for the said Harbour and Docks have executed various Works and Improvements at the said Harbour and Docks since the passing of the first-recited Act, and have defrayed the Expense thereof out of the surplus Revenues accruing from Time to Time, and out of Money borrowed by them under the Authority of the first-recited Act, with the Sanction of the said Commissioners of the Treasury from the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company Bank, the Commercial Bank of *Scotland*, the National Bank of *Scotland*, and the Union Bank of *Scotland*, of which Money so borrowed the Sum of Forty-three thousand three hundred and sixty Pounds Eighteen Shillings and Fivepence still remains owing; and the said Commissioners of the Treasury have also sanctioned the Expenditure of the further Sum of Forty thousand Pounds on the Construction of a Graving Dock and other Works and Improvements for which Contracts have been entered into; and which Sums borrowed and to be borrowed are, under the Provisions of the first-recited Act, preferable to the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, which still remains owing to the said Commissioners of the Treasury: And whereas the surplus Revenues of the said Harbour and Docks, after paying the said annual Sum of Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on Management, Maintenance, Repairs and Dredging, the Interest on the Sums borrowed under the Authority of the first-recited Act, and the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, and providing for the Execution of Works and Improvements essentially necessary for the Accommodation of the Trade and Shipping, are insufficient to pay off the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence: And whereas the Commissioners for the said Harbour and Docks have offered to pay to the said Commissioners of the Treasury the Sum of Fifty thousand Pounds, in full Satisfaction of the said Debt and Interest, and of all their Claims against the said Harbour and Docks; and it is expedient that the said Commissioners of the Treasury should be authorized to accept of the said Sum, and to discharge the said Debt, and that the Commissioners for the said Harbour and Docks should be authorized to borrow Money for the Purposes of the recited Acts and this Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Leith* Harbour and Docks Act, 1860."

Interpretation of Terms.

II. The Expression "the Commissioners" in this Act and in the Clauses of "The Commissioners Clauses Act, 1847," incorporated herewith, shall mean the Commissioners for the Harbour and Docks of *Leith;* and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to the Commissioners of the Treasury to accept the Sum of 50,000*l.* in full Payment of Debt and Interest.

When the 50,000*l.* is paid, Treasury to grant a Discharge as in Schedule.

III. It shall be lawful for the said Commissioners of the Treasury to accept of the Sum of Fifty thousand Pounds in full Payment and Satisfaction of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and all Interest due thereon, and of their Security and Claims on the said Harbour and Docks of *Leith*, under and by virtue of the said Bonds granted by the Lord Provost, Magistrates and Council of the City of *Edinburgh*, or of the first-recited Act and the Acts therein recited; and on the said Sum of Fifty thousand Pounds being paid into Her Majesty's Exchequer by the Commissioners for the said Harbour and Docks, within Three Months after the passing of this Act, it shall be lawful for any Two of the said Commissioners of the Treasury to grant a Discharge in the Form of the Schedule to this Act annexed, and thereupon the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, shall be freed and discharged of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the first-recited Act and the Acts therein recited, and of all Claims competent to the said Commissioners of the Treasury in respect of the said Debt.

Discharge to be recorded, and certain Sections of 1 & 2 and 10 & 11 Vict. repealed.

IV. The said Discharge shall be recorded in the Books of Council and Session at *Edinburgh*, and, from and after the Date of recording the same, the First, Second, Twelfth, Thirteenth, Fourteenth, and Fifteenth Sections of the first-recited Act, and the Fourth Section of the fourth-recited Act, shall be repealed.

Power to Commissioners to borrow Money on Mortgage, &c.

V. It shall be lawful for the Commissioners to borrow any Sums of Money not exceeding in the whole (including the Sums already borrowed by them from the said Banks under the Authority of the first-recited Act) the Sum of One hundred and sixty thousand Pounds, and to make and grant Mortgages and Assignations of the said Harbour and Docks, and the

the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the Rates and Duties to be levied by them under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Money so to be borrowed and Interest thereon; and if, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same, or the Sums already borrowed by them, otherwise than by the Application of the annual Sum of not less than Ten thousand Pounds herein-after provided for, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; and the Mortgages and Assignations to be made and granted by the Commissioners may be in Writing or printed, or partly in Writing and partly printed, and shall be sealed with the Common Seal of the Commissioners, and signed at and in Presence of a Meeting of the Commissioners, in the Manner prescribed by the second-recited Act.

Power to borrow from Bank on Cash Credit.

VI. It shall be lawful for the Commissioners to accept and take from any of the said Banks Credit on a Cash Account to be opened and kept with them or any of them in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, or in such other Form as may be preferred by the said Banks, to the Extent of the Sum which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and, if required, to make and grant Mortgages and Assignations of the said Harbour and Docks, and the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the Rates and Duties to be levied by them, under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided that the whole Sum due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Bonds, or on Mortgages or Assignations of the said Harbour and Docks, Works, Property, Rates, and Duties, or any Part thereof, shall not when taken together exceed the said Sum of One hundred and sixty thousand Pounds by this Act authorized to be borrowed.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

VII. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act, and shall be applicable to the Money borrowed or to be borrowed, and the Mortgages and Assignations granted or to be granted, under the Authority of the first-recited Act or this Act.

VIII. Nothing

VIII. Nothing in this Act contained shall prejudice, alter or affect the preferable Security over the said Harbour and Docks, and the Rates, Duties and Revenues thereof, for the said Sum of Seven thousand six hundred and eighty Pounds, payable annually out of the same, as provided by the first-recited Act. Nothing to affect annual Payment of 7,680*l.*

IX. Nothing in this Act contained shall prejudice, alter or affect the Mortgages and Securities granted by the Commissioners for any Sums borrowed by them under the Authority of the first-recited Act, and remaining due at the Date of the passing of this Act; and all such Mortgages and Securities shall be and remain as valid and effectual in all respects as before the passing of this Act, and all Money borrowed or to be borrowed by the Commissioners from the said Banks or any of them, and the Interest due and to become due thereon, and all Bonds, Mortgages, and Securities granted or to be granted therefor, shall, during the Non-Payment and Subsistence thereof, have Priority over any other Money to be borrowed, or any other Mortgages and Assignations to be granted, under the Authority of this Act. Nothing to affect existing Mortgages and Securities.

X. In the event of the Commissioners borrowing any further Sums of Money from the said Banks or any of them under the Authority of this Act, in addition to the Balance of Forty-three thousand three hundred and sixty Pounds Eighteen Shillings and Fivepence remaining due as aforesaid of the Sums already borrowed from the said Banks, the Commissioners shall every Year appropriate and set apart, out of the Surplus Revenue of the said Harbour and Docks which may remain after paying the said annual Sum of Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges, legally exigible, and the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, a Sum of not less than Ten thousand Pounds, to be applied in paying the Interest on the Principal Sums borrowed or to be borrowed from the said Banks under the Authority of the first-recited Act and this Act, and towards Repayment of the said Principal Sums. Provision for paying off Debt to Banks.

XI. The Money to be borrowed by the Commissioners under the Authority of this Act shall be applied in the first instance in paying the said Sum of Fifty thousand Pounds, and thereafter in defraying the Expense of executing Improvements on the said Harbour and Docks, and the Works and Property connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act. Application of Money borrowed.

XII. All

Application of Rates and Revenues.

XII. All Rates and Revenues to be levied and received by the Commissioners under the Provisions of the recited Acts, and this Act, shall be applied in paying the said annual Sum of Seven thousand six hundred and eighty Pounds, the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges legally exigible, the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, the Sum of not less than Ten thousand Pounds *per Annum* payable to the said Banks as hereinbefore provided, and the Interest of any other Money to be borrowed by the Commissioners under the Authority of this Act, and in paying off the Principal Sums so to be borrowed, and in defraying the Expense of executing Improvements on the said Harbour and Docks and the Works connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act, and to no other Purpose whatsoever.

Accounts to be kept and balanced.

XIII. The Commissioners shall cause true and regular Accounts to be entered in the Books kept by them of all Monies received and paid under the Authority of the recited Acts and this Act, and of the several Purposes for which such Monies have been received and paid; and such Books and Accounts shall be made up and balanced as on the Fifteenth Day of *May* in every Year.

Auditor to be appointed.

XIV. The Commissioners shall annually apply to the Sheriff of the County of *Edinburgh* to appoint an Auditor for the Audit of their Accounts, and the Sheriff shall, on such Application being made to him, annually appoint an Auditor (being a Member of the Society of Chartered Accountants in *Edinburgh*, and not being One of the Commissioners, or holding Office under them,) to audit the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become Vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint another such Person as an Auditor to supply such Vacancy.

Accounts to be audited.

XV. It shall be the Duty of such Auditor once in every Three Months to audit the Accounts of the Commissioners; and for that Purpose the Commissioners shall deliver to him their Books and Accounts, and the Vouchers in support of the same, and the Auditor shall examine such Books, Accounts, and Vouchers, and may either make a special Report on such Accounts, or simply confirm the same; and such Report or Confirmation shall be read to the Commissioners at the Ordinary Meeting to be held on the Second *Monday* of *October* annually; and the Commissioners shall pay to the Auditor for making

making such Audit such sum, not exceeding Fifty-two Pounds Ten Shillings *per Annum*, as they may think fit.

Abstract of Accounts to be printed.

XVI. An Abstract of the Accounts of the Commissioners as audited shall be printed on or before the Eleventh Day of *November* in every Year, and a Copy thereof shall be given to every Ratepayer or Creditor who shall apply for the same at the Office of the Commissioners.

Payment of Arrears of Principal and Interest may be enforced by Appointment of a Judicial Factor.

XVII. It shall be lawful for the Mortgagees or Assignees, subject to the Preference and Priority of Securities hereinbefore mentioned, to enforce Payment of the Arrears of Interest or the Arrears of Principal and Interest due to them under or by virtue of any Bonds, Mortgages, or Assignations in Security granted or to be granted by the Commissioners under the Authority of the first-recited Act or this Act, by the Appointment of a Judicial Factor or Receiver, in the Manner provided by the said Commissioners Clauses Act: Provided that the Application for the Appointment of such Judicial Factor or Receiver shall be made by a Mortgagee or Assignee holding a Bond, Mortgage or Assignation in Security granted by the Commissioners to the Amount of at least Thirty thousand Pounds, or by two or more Mortgagees or Assignees holding Bonds, Mortgages or Assignations in Security granted by the Commissioners to the aggregate Amount of at least Thirty Thousand Pounds.

SCHEDULE.

THE Commissioners of Her Majesty's Treasury do hereby acknowledge that the Sum of Fifty thousand Pounds has been paid into Her Majesty's Exchequer by the Commissioners for the Harbour and Docks of Leith, in Terms of "The Leith Harbour and Docks Act, 1860," and do hereby, under the Authority of the said Act, accept of the said Sum in full Satisfaction and Payment of the Debt of Two hundred and twenty-eight thousand three hundred and seventy four Pounds Nine Shillings and Eightpence, due to the said Commissioners of Her Majesty's Treasury on the Security of the said Harbour and Docks, as mentioned in the said Act, and of all Interest due thereon, and discharge the said Debt and Interest, and the Bonds granted in Security thereof by the Lord Provost, Magistrates, and Council of the City of Edinburgh to the said Commissioners of Her Majesty's Treasury, and declare the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, to be for ever freed and discharged of the said Debt of Two hundred and

and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the Act First and Second Victoria, Chapter Fifty-five, and the Acts therein recited, and of all Claims competent to the said Commissioners of Her Majesty's Treasury in respect of the said Debt: And the said Commissioners consent to the Registration hereof in the Books of Council and Session, for Preservation. In witness whereof these Presents, written by are subscribed by us Two of the said Commissioners, at London, the Day of in the Year One thousand eight hundred and sixty, before these Witnesses

CAP. XLIX.

An Act for extinguishing certain Rights of Way through Colewort *Barracks, in the Borough of* Portsmouth. —[23*d* July 1860.]

CAP. L.

An Act to abolish the Annuity Tax in Edinburgh *and* Montrose, *and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of* North Leith.—[23*d* July 1860.]

WHEREAS it is expedient that the Annuity Tax as at present levied within the City of *Edinburgh*, on behalf of the Ministers thereof, and the Annuity Tax at present levied in the Burgh of *Montrose*, should be abolished, and that Provision should be made with respect to the future Payment of the Stipends of the said Ministers, and for the Administration and Management of the Parochial Churches in the said City of *Edinburgh*, and also that Provision should be made for the Patronage of the Church of *North Leith:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

I. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them: Interpretation of Terms.

The Word "Commissioners" shall mean the Commissioners appointed and incorporated under this Act:

The Word "Secretary" shall mean the Secretary and Agent of the Commissioners for the Time being:

The Expression "Magistrates and Council" shall mean the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, for the Time being.

II. From and after the Term of *Whitsunday* One thousand eight hundred and sixty, the Impost or Tax levied annually under the Name of the Annuity Tax, within the ancient and extended Royalties of the City of *Edinburgh*, for the Maintenance of the Ministers thereof, shall cease to be imposed. Annuity Tax abolished.

III. Ten Commissioners shall be appointed to carry into effect the Purposes of this Act in manner following: Two of such Commissioners shall be elected by the Ministers of *Edinburgh* of the Church of *Scotland*; Three of such Commissioners shall be elected by the Magistrates and Council; One of such Commissioners shall be elected in turn by the Faculty of Advocates, the Society of Writers to Her Majesty's Signet, and the Society of Solicitors before the Supreme Courts, the First Election to be by the Faculty of Advocates, and the Second by the Society of Writers to the Signet, and each Commissioner from the said Three Bodies shall hold Office for Three Years; and Three of such Commissioners shall be elected by the Kirk Sessions of all the Parochial Churches of the City of *Edinburgh* convened by the Clerk of the Presbytery of *Edinburgh*; and One of such Commissioners shall be elected by the Merchant Company; and all such Elections shall be made at Meetings of the said several Bodies, specially called for the Purpose of such Elections; and when any Vacancy shall occur by the Death, Resignation, or Incapacity to act, of any of the Commissioners, the same shall be supplied by the Election of another Commissioner in his Place by the Body by whom the Commissioner so dying, resigning, or becoming incapable to act, was elected; and in case any of the Bodies hereby authorized to make such Elections shall not, within three Months after the passing of this Act, have duly made such Elections, or, in case of any Vacancy thereafter arising, shall not within Three Months after the Date of such Vacancy have duly elected another Commissioner in the Place of the Commissioner so dying, resigning, or becoming incapable to act, then and in either of such Cases it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to nominate a Commissioner or Commissioners as Commissioners appointed to carry Act into effect.

as the Case may be; and Intimation of the respective Elections and Nominations, as respects the first Appointments to be made under this Act, shall be addressed to the Lord Provost of the City of *Edinburgh*, who shall forthwith call a Meeting of the Commissioners: and the Commissioners shall thereafter meet at such Times and Places as to them shall seem fit; and such Intimation, as respects all subsequent Appointments, shall be addressed to the Commissioners.

Commissioners incorporated.

IV. The Commissioners shall be a Body Corporate, under the Title of "The *Edinburgh* Ecclesiastical Commissioners," and shall have perpetual Succession and a Common Seal, with Power under the said Title to sue and be sued and to take and hold Property, heritable and moveable, real and personal, and with all the other Powers and Privileges of a Corporate Body; and Three of their Number shall be a Quorum at any Meeting, or with respect to any Act or Proceeding of the Commissioners; and they may from Time to Time elect One of their Number to be Chairman for such Period as they shall think fit; and the Chairman for the Time being, or the Commissioner presiding in his Absence, at any such Meeting shall have a Casting as well as a Deliberative Vote; and the Commissioners may from Time to Time appoint such Person as they think fit to be their Secretary and Agent.

Administration of the City Churches transferred from the Magistrates and Council to the Commissioners.

V. The whole Rights of Administration and Custody as respects the following Parochial Churches in the City of *Edinburgh*, namely, the *Tolbooth* Church, *New North* Church, *Old* Church, *High* Church, *Tron* Church, *Trinity College* Church, Lady *Yester's* Church, *Old Greyfriars* Church, *New Greyfriars* Church, *St John's* Church, *St Andrew's* Church, *St George's* Church, *St Mary's* Church, *St Stephen's* Church, and *Greenside* Church, which the Magistrates and Council have in or pertaining to the same or any of them; and the Dwelling Houses, Cellars, and Vaults underneath or attached to any of the same, including the Feu Duties payable in respect of the Ground whereon Lady *Yester's* Church was formerly built, and the Mortification or Monies mortified for the Endowment of the last-named Church, and any Bond of Annuity or other Securities on which the said Monies may be invested, except in so far as any of the said Rights may be herein otherwise expressly regulated or provided for, shall be and the same are hereby, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, transferred from the Magistrates and Council to and vested in the Commissioners for the Purposes of this Act, and for the like public Uses and Purposes and under the like Conditions for and under which the said Churches are at present administered by the Magistrates and Council:

Council: Provided that nothing contained in this Act shall prevent the Magistrates and Council from causing the Bells of the City Churches to be rung on suitable public Occasions.

Pews in the City Churches to be let by the Kirk Sessions, and Surplus of the Rents to be paid to the Commissioners.

VI. The Pews or Seats in the said several Churches shall, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, be let by or at the Sight of the Kirk Session of each Church respectively, with the Exception of not less than One Tenth of the Number which shall be reserved as Free Sittings, but subject to any Directions which the Commissioners may issue from Time to Time, and subject also to any Rights or Conditions presently attaching to such Pews or Seats, or, in case the Commissioners shall think it necessary or expedient, by or at the Sight of the Commissioners, or their Secretary, and at such Rents for the said Pews or Seats as the Commissioners, subject always to the Rights and Conditions aforesaid, may from Time to Time determine or approve with reference to the Circumstances of the said Churches respectively; and the Kirk Session of each Church may retain in their Hands, out of the Moneys to be received for such Pew or Seat Rents, such Sums as shall be fixed by the Commissioners for the Payment of the Salaries of Precentors, Door Keepers, or other Church Officers, and for cleaning, heating, and lighting the Church, and for providing Communion Elements, and for such other necessary Expenses in connection with the Church as shall be allowed by the Commissioners; and the Kirk Session shall keep an Account of the whole Moneys received by them for Pew or Seat Rents, and of the Sums retained for Payment of Expenses, and shall lay the same before the Commissioners yearly, or as often as the Commissioners shall direct; and the Kirk Session shall forthwith pay the whole Balance of the Moneys received for Pew or Seat Rents (after making the said Deductions) into the Hands of the Secretary; and in case the Moneys received for Pew or Seat Rents in any of the said Churches shall in any Year be insufficient to defray the said Expenses, the Commissioners may, out of the Surplus of the Pew or Seat Rents of any of the other Churches, pay such additional Sum as shall be necessary to make up such Deficiency; and the Right to appoint Precentors, Door Keepers, and other Church Officers, heretofore belonging to the Magistrates and Council, shall, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, belong to and be exercised by the Kirk Sessions of the said Churches respectively.

Commissioners to provide for the

VII. The Commissioners shall, out of the Moneys so received by them, provide for the Maintenance and Repair of the Fabrics of the said Churches, and for the Insurance of the same against

Repair of the Churches and other Expenses out of the Surplus of the Seat Rents.

Loss by Fire, to such Extent as they shall think necessary, and for the Payment of the Expenses of the Commissioners, including such Remuneration as they shall see fit to allow to any Persons employed by them in the Execution of this Act, and of the Proportion of the Salaries of the Clerk of the Synod of *Lothian* and *Tweeddale* and the Clerk and Officer of the Presbytery of *Edinburgh*, payable for the said Churches or any of them, and of the other Expenses to be incurred in carrying into effect the Purposes of this Act, and shall apply the Balance or Residue of such Moneys as herein-after directed

Bonds of Annuity to be granted by the City.

VIII. The Magistrates and Council shall, on or before the Eleventh Day of *November* One thousand eight hundred and sixty, execute and deliver to the Commissioners for the Purposes of this Act, a perpetual Bond of Annuity, in the Form of the Schedule (A.) to this Act annexed, for the annual Sum of Four thousand two hundred Pounds, under the Conditions expressed in the said Schedule; and they shall also execute and deliver to the Commissioners for behoof of each of the Reverend Doctor *John Hunter*, the Reverend Doctor *James McLetchie*, and the Reverend Doctor *George Smith*, all Ministers of *Edinburgh*, a Bond of Annuity for the annual Sum of Six hundred Pounds, in the Form and determinable on the Conditions contained in the Schedule (B.) to this Act annexed; and the said Bonds shall, on or before the said Eleventh Day of *November* One thousand eight hundred and sixty, be engrossed in the Minute Books of the said Magistrates and Council.

Property of the City disponed in Security of the Payment of the Annuities.

IX. The whole Property belonging to the Magistrates and Council, as representing the Community of the City of *Edinburgh*, is hereby disponed and made over to the Creditors in the said Bonds, in Security of the Payment of the said Annuities, subject to the provisions herein-after enacted; and further and without Prejudice to the before-written general Security, the Income and Revenue derived from the Property and Funds specified in the Schedule (C.) to this Act annexed shall, subject as aforesaid, be applicable to and charged with the Payment of the said Annuities preferably to all other Charges whatever; and a Copy of this Act, recorded in the General Register of Sasines kept at *Edinburgh*, and in the Register of Sasines for the Burgh of *Edinburgh*, shall, to all Intents and Purposes, be and shall be held to be equivalent to Infeftment in favour of the Creditors in the said Bonds of Annuity, in all the Heritable Property belonging to the Magistrates and Council hereby made over in Security to the Creditors requiring Infeftment, so as to constitute a Real Burden thereon, and shall also be held equivalent to intimated Assignation

Assignation of the Debts and Rights, and to actual Delivery of the Moveable Property, so as to create a Lien over the same in favour of the said Creditors at the Date of the passing of this Act; and the Keepers of the said General Register of Sasines and Burgh Register of Sasines are, upon a Copy of this Act being presented to them for that Purpose on behalf of the Commissioners, hereby authorized and required to record the same in the said respective Registers.

As long as the Annuities are regularly paid, the Administration of the Property of the City by the Magistrates and Council not to be interfered with.

X. As long as the said Annuities shall be regularly paid, nothing contained in this Act shall prevent the Magistrates and Council, in the course of the ordinary Administration of the Affairs of the City of *Edinburgh*, from exercising in the Manner allowed by Law any Right competent to them prior to the passing of this Act, of selling, feuing, or letting on Lease such Part of the Property, or any Part thereof enumerated in Schedule (C.) of this Act, as is not contained in Schedule (B.) of the said recited Act, and any Deeds or Writings which may be granted in order to give effect to such Sales, Feus, or Leases shall be as valid and effectual to Purchasers, Vassals, and Tenants as if this Act had not been passed; and such Purchasers, Vassals, and Tenants shall have no Concern with the Application of the Prices, Feu Duties, or Rents to be derived therefrom: Provided always, that such Prices, Feu Duties, or Rents shall be subject to all the Rights in the said Commissioners to which the Property sold, feued, or leased was subject before such Sales, Feus, or Leases were made or granted; provided also, that the Magistrates and Council shall be bound to keep the Proceeds of such Sales to be made as aforesaid, as far as practicable, separate, so that the same may be distinguishable from the general Funds and Property of the City; and the Rights hereby constituted in the said Commissioners shall, as regards the whole Property over which the Security created by this Act extends, including the Proceeds of any such Sales as aforesaid, be preferable to and effectual against any Right or Security constituted by the Magistrates and Council over such Property, and to and against any Adjudication or other Diligence by any Creditors other than those provided for by the said recited Act.

Police Rate to be increased to an Amount not exceeding 4½*d.* per Pound on the gross Value

XI. In order to enable the Magistrates and Council to provide for the Purposes to which the Income and Revenue derived from the said Property and Funds are at present applicable, and for the further Security of the said Annuities, it shall be lawful for them to levy and apply to the said Purposes increased Assessments under the Provisions, in the same Way, and with the Powers and Authorities of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension

of the Property;

sion Act, 1856," to an Extent equal to but not exceeding Fourpence One Halfpenny in the Pound of the gross yearly Value of the Lands and Heritages situated within the ancient and extended Royalties of the City of *Edinburgh*, over and above the maximum Assessments by the said Acts authorized to be levied: Provided, that on the Determination of the said Bonds of Annuity for behoof of the said Doctor *John Hunter*, Doctor *James McLetchie*, and Doctor *George Smith* the said increased Assessment shall not exceed Threepence *per* Pound as aforesaid, and the said increased Assessments under the Powers of this Act shall not, in the imposing, levying, or collecting thereof, or in the Notices or Receipts relative thereto, be in any way separated or distinguished from the Assessments to be imposed, levied, and collected under the said "*Edinburgh* Police Act, 1848," and "*Edinburgh* Municipality Act, 1856."

but in a certain Event, not to exceed 3*d*.

Creditors in the Bonds of Annuity to have same Rights of enforcing Payment as the City Creditors; and failing due Payment, the Revenues of the City may be applied under Orders of Court.

XII. The Creditors in the said Bonds of Annuity shall have all the Rights for completing and enforcing the Security thereby provided, and for recovering the Sums thereby secured, which are conferred on the Creditors of the City of *Edinburgh* by the Act First and Second *Victoria*, Chapter Fifty-five, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City, and of the Town of* Leith, and an Act amending the same, passed in the Seventh and Eighth Years of the said Reign, Chapter Twenty; and if at any Term of *Candlemas* or *Whitsunday* the Annuities then falling due, or any of them, shall not be paid, the Treasurer of the said City, on the Requisition of the Commissioners, shall, and he is hereby required, forthwith to grant a Certificate, certifying under his Hand that the whole, or any and what Part, of the Annuities then falling due has not been paid; and on the Commissioners, or any Two of their Number, presenting a Petition to the Lord Ordinary on the Bills, and producing therewith such Certificate or other Evidence of Nonpayment in lieu thereof as to the Lord Ordinary shall appear sufficient, the Lord Ordinary shall direct that the whole, or such Part as he shall think proper, of the Income and Revenue derived from the Funds and Property specified in the said Schedule (C.) shall be collected and applied under the Orders of the Court, with due Regard to the Rights of the said Creditors of the City of *Edinburgh*, until the Court shall otherwise direct, and with Power to the Lord Ordinary, if necessary, to appoint Collectors and issue such other Orders as may be necessary for carrying the said Provisions into effect; and he shall also, if he think proper,

per, direct that One Fifth Part, or such other Proportion as may appear to correspond to the additional Assessments hereby authorized, of the whole Sums collected in each Year under the Provisions of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," and this Act, shall be held and applied by the said Treasurer, subject to the Orders of the Court, and such Deliverance shall be final; but the Magistrates and Council shall be entitled at any Time, on the Consignation of the Amount so certified, to apply to the Court, or to the Lord Ordinary on the Bills in the Time of Vacation, to have such Deliverance recalled on any Ground competent in Law.

Police Rate may be redeemed to the Extent of 3*d.* per Pound.

XIII. It shall be lawful for the Owner or Occupier of any Property, the Occupier of which is liable in Payment of the increased Police Assessments to be levied under the Provisions of this Act, at any Time to redeem the said Assessments to the Extent of Threepence for every Pound of the annual Value of the said Property, on the Payment of such Sum as may be agreed upon by such Owner or Occupier and the Magistrates and Council as the Price of such Redemption; provided that such Sum shall not be less than Twenty-five Pounds for every Pound of the said Assessment on an Average of Five Years previous to the said Redemption, payable for or with respect to such Property; and upon such Owner or Occupier making Payment to the Treasurer of the City for the Time being of the Sum so agreed upon, the Treasurer shall grant to such Person a Certificate of such Payment, in the Form of the Schedule (D.) to this Act annexed; and all future Assessments made under the Provisions of the said Acts and this Act on the Property in respect of which the Assessment shall have been so redeemed, shall be reduced by the Amount of Threepence for every Pound of the annual Value thereof; and an Entry of such Certificate in the Register of Sasines for the Burgh of *Edinburgh*, which the Keeper thereof is hereby authorized and required to make on the same being presented to him for that Purpose, shall be Evidence of the said Payment and Reduction of Assessment.

Redemption Moneys to be invested.

XIV. The Magistrates and Town Council shall keep a separate Account of the said Moneys so received in Redemption of the said Assessments under the Authority of this Act, and when and as often as the Redemption Moneys so received shall amount to Five hundred Pounds, they shall lay out and invest a Sum equal to that Amount, or as near thereto as may be, in the Purchase of Bonds of Annuity granted under the Powers of the recited Act of the First and Second *Victoria*, or on such heritable Property or heritable Securities as they shall judge most expedient; and the whole Interest or annual Produce of the

the said Moneys shall be in all Time coming applied exclusively to the same Purposes to which the Assessments so redeemed would have been applied under this Act.

The Sum of 2,000*l.* payable from Exchequer, for the Benefit of the Ministers, to be paid to the Commissioners.

XV. The Sum of Two thousand Pounds, presently payable yearly by Her Majesty's Remembrancer and Her Majesty's Auditor in the Court of Exchequer in *Scotland*, in Terms of the said Act First and Second *Victoria*, Chapter Fifty-five, to and for behoof of the Ministers of the City of *Edinburgh*, (being Part of the Sum of Seven thousand six hundred and eighty Pounds mentioned in the said Act,) shall, from and after the Term of *Whitsunday* One thousand eight hundred and sixty, be payable to the Commissioners, whose Receipt shall be a sufficient Discharge for the same.

Stipends of Ministers of the City Churches to be paid out of the Moneys received by the Commissioners.

XVI. The Commissioners shall, out of the Moneys received by them under the Provisions of this Act, make Payment in Two equal Portions, at the Terms of *Candlemas* and *Whitsunday* One thousand eight hundred and sixty-one, and annually thereafter, to each of the Ministers for the Time being of the Parochial Churches of the said City after mentioned, or to any Person duly authorized to receive the same on behalf of the said Ministers, a Stipend or Salary of Six hundred Pounds *per Annum;* that is to say, to One Minister of each of the Thirteen following Churches, namely, the *New North* Church, *Trinity College* Church, Lady *Yester's* Church, *Old Greyfriars* Church, *New Greyfriars* Church, *St John's* Church, *St George's* Church, *St Mary's* Church, *St Stephen's* Church, *Greenside* Church, the *High* Church, the *Tron* Church, and *St Andrew's* Church; and the surviving or continuing Minister of each of the said Three last-named Churches, having Collegiate Charges, and his Successors in Office, shall be held and deemed to be the Minister of the First Charge of the said Churches respectively, and shall be entitled to receive Payment of the said Stipend or Salary; and they shall also pay at the said Terms the special Annuities contained in the said Bonds to be granted for behoof of the said Doctor *John Hunter*, Doctor *James McLetchie*, and Doctor *George Smith:* Provided that the Portion of the said Salaries or Stipends to be paid at the Term of *Candlemas* shall be for the Period from *Whitsunday* to *Michaelmas* preceding, and the Portion to be paid at the Term of *Whitsunday* shall be for the Period from *Michaelmas* to *Whitsunday;* and such Payments shall be in lieu of, and shall include all Claims for Stipend or Salary for the said Periods respectively, competent at Law, and shall be subject to the whole Conditions applicable by Law to the Stipends or Salaries now payable to the Ministers of *Edinburgh* from the Produce of the said Annuity Tax: Provided always, that upon the Death

or

or Removal of any of the present Ministers of any of the above-mentioned Thirteen Churches, the Successor or Successors of such Minister or Ministers shall not be entitled to demand a Salary or Stipend of more than Five hundred and fifty Pounds *per Annum*, until such Time as the Commissioners named in this Act shall have made such Provision as they may deem expedient for Payment of a Salary or Stipend, amounting to not more than Five hundred and fifty Pounds *per Annum*, to any Ministers who may be nominated by them to the *Tolbooth* Church and the *Old* Church under the Powers by this Act conferred upon the said Commissioners.

Accounts to be kept and published by the Commissioners.

XVII. The Commissioners shall cause full and true Accounts to be kept of their whole pecuniary Transactions under this Act, and a State of Accounts or Balance Sheet to be prepared, as on the Thirtieth Day of *June* yearly, and inserted not later than the First Day of *August* thereafter once in at least Two Newspapers published in *Edinburgh*, setting forth the Amount of Moneys received by them from every Source of Income during the Year preceding, and of their Disbursements during the same Period, and the total Amount of the Moneys laid out and invested by them, or remaining in their Hands.

Application of Moneys received by the Commissioners.

XVIII. Any Balance remaining in the Hands of the Commissioners after Provision is duly made for the Payments herein-before prescribed may be applied at the Discretion of the Commissioners to any of the Purposes herein-after mentioned; provided that the Stipends or Salaries of the said Ministers shall be a preferential Charge on the annual Revenue received by the Commissioners, and shall be paid before any Part of the same is applied by them to any of the Purposes herein-after mentioned; namely,

First, in Payment of the Expense of any Works which the Commissioners may consider necessary or desirable in regard to any of the said Churches, or any of the other Parochial Churches within the City of *Edinburgh*.

Second, towards Payment of any Salary or Allowance, permanent or temporary, at the Discretion of the Commissioners, to any Minister or Assistant appointed to serve and serving in any of the Parochial or District Churches in the said City connected with the Church of *Scotland*, for whom no Salary is provided in this Act; or towards the Increase of the Stipends or Salaries of the Ministers of the said Thirteen Churches; or to such other Ecclesiastical Purposes within or connected with the said City, as to the Commissioners shall seem expedient.

Accounts of the

XIX. The Accounts of the Commissioners shall, before the Publication of the same annually, be audited and examined with

Commissioners to be audited.

with the Vouchers thereof, and docqueted by the Auditor for the Time being of the Court of Session, who shall receive from the Commissioners for his Services such Remuneration as shall be fixed by them; or in case the said Auditor shall consider the Remuneration proposed to be given by the Commissioners to be inadequate, he shall receive from them such Remuneration as shall be fixed by the Lord Ordinary on the Bills, on the summary Application of the Auditor or of the Commissioners.

If Commissioners fail in the Discharge of their Duties, Complaint may be brought before the Court of Session.

XX. If the Magistrates and Council, or any Person having an Interest in the Moneys to be raised by means of the Assessments to be levied under this Act, shall have reason to believe that the Duties hereby imposed on the Commissioners are not faithfully and duly discharged, he or they, with Concourse of the Lord Advocate, may, by summary Petition, bring the Matter complained of under the Cognizance and Consideration of the Judges of either Division of the Court of Session; and the said Judges shall, in reference thereto, make such Inquiries and issue such Orders as shall in the Circumstances appear to them to be just and expedient.

The Right of Patronage, as respects Five Charges, transferred to the Commissioners.

XXI. The Right of Patronage or of Presentation of Ministers presently belonging to the Magistrates and Council, as respects the Five following Churches and Charges, namely, the *Tolbooth* Church, the *Old* Church, and the Second Charge of each of the Three Churches having Collegiate Charges, that is to say, the *High* Church, the *Tron* Church, and *St Andrew's* Church, shall be and the same is hereby, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, transferred to and vested in and may in all Time thereafter be held and exercised by the Commissioners as Patrons thereof; and any Presentation to such Churches and Charges shall be under the Common Seal of the Commissioners: Provided, that it shall be in the Discretion of the Commissioners to make a Presentation or Appointment, either *ad interim* or permanent, to any One or more of the said Five last-named Churches and Charges which may become vacant, or to make no Presentation or Appointment thereto, and to allow the same to lapse and become extinct, as to the Commissioners shall seem most beneficial and expedient; and no Right of Presentation *jure devoluto* shall accrue to the Presbytery, and no Claim to any vacant Stipend shall be competent on behalf of any Person, Society, or Corporation, as respects any Vacancy occurring after the passing of this Act, in any One of the said Five last-named Churches and Charges.

Sale of Right of Patronage of Magis-

XXII. On Payment being made by the Commissioners to the Treasurer for the Time being of the City of *Edinburgh* of the Sum of Six hundred Pounds, or of such other Sum not exceeding

ceeding Six hundred Pounds as may be agreed upon as the Value and Price of the Right of Patronage of any One or of each of the Parochial Churches or Charges in the said City (other than those of which the Patronage is by this Act expressly transferred to the Commissioners), or on such Payment being so made by the Kirk Session of any the said Churches or Charges, the Right of Patronage as regards such Church or Charge shall in either Case be transferred by the Magistrates and Council to and vested in the Kirk Session of such Church or Charge, and may in all Time thereafter be lawfully exercised by the Elders and other Male Members of the Church in which there is a Vacancy, or a Majority of their Number in full Communion, and whose Names have stood on the Roll of Communicants of such Church for not less than Three Years preceding the Occurrence of the Vacancy: Provided always, that the Monies received by the said Treasurer as the Price of the said Rights of Patronage, or any of them, shall be kept in a separate Account, and be laid out and invested in the same Way and applied to the same Purposes as the Redemption Monies which may be paid to the Magistrates and Council under the Provisions of this Act are appointed to be invested and applied.

Magistrates and Town Council of Edinburgh.

XXIII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty the Commissioners shall have and may exercise the whole Rights and Powers heretofore and now belonging to or exercised by the Magistrates and Council with respect to the Parochial Arrangements connected with the City of *Edinburgh* and the Churches and Parishes thereof, and may, with the Consent and Concurrence of the Presbytery of *Edinburgh*, from Time to Time unite, disjoin, or change the Boundaries of any of the said Parishes, as respects the Administration of Public Worship, and of the Sacraments, Pastoral Superintendence, and every other Matter or Duty in regard to which the Magistrates and Council might, with the like Consent and Concurrence, have united, disjoined, or changed the Boundaries of any of the said Parishes, provided that no Interest of a pecuniary, or otherwise of a properly civil Nature, shall be thereby affected; and the said Rights and Powers shall not after the passing of this Act belong to or be exercised by the Magistrates and Council.

The Commissioners, with Concurrence of the Presbytery, may alter existing Parochial Arrangements.

XXIV. In case the Moneys hereby directed to be applied by the Commissioners to the Payment of the Stipends or Salaries of the Ministers of the said Churches shall in any Year be insufficient for the Payment in full of all the said Stipends or Salaries, the Ministers who have been appointed to any of the said Churches after the passing of this Act, shall have

Present Ministers to have a preferable Claim on the Moneys provided by this Act.

have no Claim for the Payment of any Stipend or Salary out of the said Moneys, until the Stipend or Salary of every Person who at the passing of this Act was a Minister of any of the said Churches shall have been paid in full.

Compensation to City Creditors, in lieu of present Security over Seat Rents.

XXV. In lieu of and as an Equivalent for the Security which the Creditors of the City of *Edinburgh* now have over the free Produce of the Pew or Seat Rents of the Churches of the said City, after Deduction of all Preferable Burdens, and of all other Expenses of the Ecclesiastical Establishments of the said City, the Magistrates and Council shall annually, on or before the Twenty-fifth Day of *January*, transfer and pay over, from the Produce of the Assessments to be levied under the Powers of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," into the Account kept in relation to the Funds, Revenues, and Property made over to the said Creditors in Security of the Annuities on the Bonds of Annuity granted under the Provisions of the said Act First and Second *Victoria*, Chapter Fifty-five, such proportional Sum as shall correspond with a Rate of One Penny in every Pound of Four Fifths of the gross annual Value of the Property in respect of the Occupation of which the said Assessments are levied: Provided, that in case, under the Provisions of the last-mentioned Act, the said Creditors shall have adjudged or shall adjudge the Funds, Revenues, and Property made over to them in Security, as set forth in Schedule (A.) to the said Act annexed, such Adjudication shall not extend to or include the free Produce of the Pew or Seat Rents of the said Churches, but shall be held to extend to and include the said annual Payment.

Nothing in this Act to affect the Rights of the City Creditors, &c. except as provided, respecting the Seat Rents.

XXVI. Subject to the Provisions herein-before enacted in respect of the Seat Rents of the City Churches, nothing in this Act contained shall alter or affect the Rights of the Creditors of the City of *Edinburgh*, as secured by the recited Acts, and the Right in Security created by this Act in favour of the Creditors in the said Annuities are hereby declared to be postponed to the Rights in Security created by the recited Acts, in so far as relates to the Property thereby disponed or assigned for the Security of the said Creditors of the City, and the Rights of the said Creditors in relation thereto, nor shall any of the Provisions of this Act affect the Rights of any Persons holding Rights or Securities over the special Subjects or Property acquired under the Provisions of the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, or of the Act Thirteenth and Fourteenth *Victoria*, Chapter Seventy; and nothing in this Act contained shall authorize the Commissioners to interfere in any way with the Administration of the Property,

perty, Funds, Revenues, or Income hereby assigned in Security of the said Bonds of Annuity, so long as the said Annuities shall continue to be regularly paid.

Succeeding Minister in Second Charge of Parish and Burgh of Montrose to have no Claim to Annuity.

XXVII. From and after the Occurrence of the First Vacancy after the passing of this Act in the Second Charge of the Church and Parish of the Burgh of *Montrose*, by the Death, Demission, or otherwise of the Minister at the passing of this Act holding that Charge, the Successors in Office of such Minister shall have no Claim to any Share of the Moneys raised by means of the Annuity Tax at present levied within the said Burgh for behoof of the Second Minister thereof.

Patronage to be vested in the Elders and other Members of the Church.

XXVIII. The Right of Patronage of the Second Charge of the Church and Parish of *Montrose* vested in the Provost, Magistrates, and Town Council of the said Burgh shall be transferred to and is hereby vested in and may in all Time coming be exercised by the Elders and other Male Members of the Parish Church of *Montrose*, or any Majority of their Number being in full Communion, and whose Names shall have stood on the Roll of Communicants of the said Church and Parish for not less than Three Years next preceding the Occurrence of any Vacancy.

Provost, Magistrates, and Council to pay to succeeding Minister and his Successors a Salary of 200*l.* per Annum.

XXIX. From and after the First Term of *Whitsunday* following the Vacancy in the Second Charge of the Church and Parish of *Montrose* first occurring after the passing of this Act, the Provost, Magistrates, and Town Council of the said Burgh shall pay to the succeeding Minister of the said Second Charge and his Successors in Office an annual Sum of Two hundred Pounds, by equal Portions at the Terms of *Martinmas* and *Whitsunday* respectively, from the first and readiest of the Corporate Funds of the said Burgh.

Kirk Session may levy Seat Rents.

XXX. From and after the First Term of *Whitsunday* following the Vacancy in the Church and Parish of *Montrose* first occurring after the passing of this Act, it shall be lawful for the Kirk Session of the said Church and Parish and they are hereby required to impose and levy Pew or Seat Rents on not more than Nine Tenths of the Pews or Seats in the said Church, at such Rate as shall, in addition to the aforesaid annual Sum of Two hundred Pounds, together with any Stipend or Salary which may arise from the Interest of any Endowment hereafter made for the Minister of the Second Charge, or which may be provided for him by means of special Church Door Collections, yield an annual Sum sufficient to provide for such Minister a Stipend of not less than Three hundred and forty Pounds.

Patronage of the

XXXI. The Right of Patronage or of the Presentation of a Person to be Minister of the Church and Parish of *North Leith*,

Church of North Leith to be transferred from the "haill Inhabitants," and vested in the "Heritors" and Communicants, and how to be exercised.

Leith, heretofore belonging to and exercised by the "haill Inhabitants" thereof, under the Statute One thousand six hundred and six, Chapter Twenty-seven, or by any of them, shall, from and after the passing of this Act, cease to be in and belong to the said "haill Inhabitants." and the same is hereby transferred to and vested in the Male Persons, being of full Age, whose Names shall appear on the Valuation Roll in force for the Time as Proprietors or Occupiers of any Lands and Heritages situate within the said Parish of *North Leith*, hereinafter termed "the Heritors," and the whole Male Communicants whose Names shall stand in the Communion Roll of the said Church and the Congregation thereof; and within Two Months after the passing of this Act the Heritors and Male Communicants shall meet on such Day as shall be named by the Kirk Session, of which Meeting Intimation shall be made from the Pulpit of the said Church, and also by Advertisement in Three or more Newspapers published in *Edinburgh* not less than Eight Days previous to such Meeting; and it shall be the Duty of the Session Clerk to cause the necessary Intimations to be given; and at the Meeting so to be called the said Heritors and Male Communicants who shall be present thereat shall by a Plurality of Voices elect One of their Number to be Chairman of the Meeting, with a casting as well as a deliberative Vote, and shall also elect a Clerk of the Meeting, and shall thereafter by a Plurality of Voices nominate a Committee of their Number, not exceeding Twenty-five Persons, of whom a Majority shall be a Quorum; and the Committee shall forthwith proceed to frame Regulations as to the Time and Manner of calling and holding future Meetings of the Heritors and Communicants, and of voting thereat, and as to any other Matters or Procedure necessary in order to carry into effect the Purposes of this Enactment; and the Regulations so made shall forthwith be published by Advertisement in such Newspapers as the Committee may direct, and shall after such Publication be submitted for the Approval of the Sheriff of *Midlothian*, and when approved by him shall be valid and effectual, and the whole future Procedure shall be regulated thereby; and when any Election of a Person to be a Minister shall have been made under the said Regulations, it shall be sufficient that the Deed of Presentation be subscribed by the Chairman of the Meeting at which the Election shall be made, and by any three Members authorized by the Meeting to subscribe the same along with him; and such Deed of Presentation, when so subscribed, shall be as valid and effectual as if the same had been subscribed by all Persons entitled to vote in such Election.

XXXII. All

XXXII. All Stipends payable under this Act in respect of the Charge becoming vacant, for the Period during which such Charge shall be so vacant, shall be payable to the Trustees for the Ministers Widows Fund for *Scotland* in the same Manner and for the same Purposes as the Stipends of vacant Charges are so payable by Law. Vacant Stipends to be paid to Ministers Widows Fund.

XXXIII. All Laws, Statutes, and Usages inconsistent with the Provisions of this Act are hereby repealed. Statutes inconsistent with this repealed.

SCHEDULE (A.)

By virtue of an Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, the Lord Provost, Magistrates, and Council of the City of Edinburgh, for ourselves, and as representing the Community of the said City, bind and oblige ourselves and our Successors in Office, in Terms of the said Act, to pay to the "Edinburgh Ecclesiastical Commissioners," for the Purposes of the said Act, a perpetual Annuity of Four thousand two hundred Pounds, by equal Portions on the Second Day of February and the Fifteenth Day of May in each Year, commencing the Payment of the First Portion on the Second Day of February One thousand eight hundred and sixty-one: Declaring that the said Annuity and the said Commissioners shall have the full Benefit of all the Provisions of the said Act; and that the said Annuity shall be redeemable only on Payment at the Rate of One hundred Pounds for each Three Pounds Ten Shillings of Annuity.

_____Lord Provost.

_____Treasurer.

_____Clerk.

Engrossed in the Records of the Town Council of Edinburgh, of Date_____.

_____City Clerk of Edinburgh.

SCHEDULE (B.)

By virtue of an Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, the Lord Provost, Magistrates, and Council of the City of Edinburgh, for

for ourselves, and as representing the Community of the said City, bind and oblige ourselves and our Successors in Office, in Terms of the said Act, to pay to the Edinburgh Ecclesiastical Commissioners for behoof of the Reverend Doctor John Hunter, One of the Ministers of the Tron Church of Edinburgh, [*or* the Reverend Doctor James McLetchie, One of the Ministers of the High Church of Edinburgh, *or* the Reverend Doctor George Smith, Minister of the Tolbooth Kirk of Edinburgh], a perpetual Annuity of Six hundred Pounds, by equal Portions on the Second Day of February and the Fifteenth Day of May in each Year, commencing the Payment of the First Portion on the Second Day of February One thousand eight hundred and sixty-one; which Annuity shall be payable aye and until a Vacancy shall occur in the said

Church and Parish, but no longer; and declaring that the said Annuity, and the said Commissioners for Behoof aforesaid shall have the full Benefit of all the Provisions of the said Act.

_____ Lord Provost.

_____ Treasurer.

_____ Clerk.

Engrossed in the Records of the Town Council of Edinburgh, of Date_____.

_____ City Clerk of Edinburgh.

SCHEDULE (C.)

(1.) Revenues and Properties belonging to the City of Edinburgh (but subject to the Security over the same to the Extent of One thousand Pounds per Annum in favour of the Creditors of the said City created by the Act First and Second Victoria, Chapter Fifty-five); viz.

The Customs and Market Dues of the said City leviable under the Authority of the following Local Acts of Parliament; viz.—Third and Fourth Victoria, Chapter Seventeen; Seventh Victoria, Chapter Seven; Tenth and Eleventh Victoria, Chapter Forty-eight; and the whole Market Places, Buildings, and Properties belonging to the said City, and generally the whole Revenues and Properties which now belong, or which may hereafter belong, to the said City under the Provisions of the said Acts, or any of them.

(2.) Revenues and Properties which now belong, or which may

may hereafter belong, to the said City under the Provisions of the Act Thirteenth and Fourteenth Victoria, Chapter Seventy.

(3.) Property described in the Statutory Accounts of the said City as belonging to the Common Good, the Rents and Feu Duties of which are set down in the said Accounts for the Year ended on First August One thousand eight hundred and fifty-nine at the Sum of Three hundred and thirty-seven Pounds Thirteen Shillings and Tenpence.

SCHEDULE (D.)

On behalf of the Lord Provost, Magistrates, and Council of the City of Edinburgh, I hereby acknowledge that *A.B.* has this Day made Payment to me, as Treasurer of the said City of Edinburgh, of the Sum of being the Purchase Money of the Assessment at the Rate of Threepence in the Pound of the annual Value of his Property [*here describe the Property and mention its Situation*]; and I certify that the said Assessment has been redeemed; and all future Claim for Payment thereof in respect of the said Property is hereby discharged.

C.D., Treasurer.

Edinburgh [*Date*].

[*To be recorded in the Register of Sasines for Edinburgh.*]

CAP. LI.

An Act to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes in England.—[23*d* July 1860.]

CAP. LII.

An Act to alter and amend "The Metropolitan Building Act (1855)."—[23*d* July 1860.]

CAP. LIII.

An Act for the Limitation of Actions and Suits by the Duke of Cornwall *in relation to Real Property, and for*

for authorizing certain Leases of Possessions of the Duchy.—[23*d* July 1860.]

CAP. LIV.

An Act to amend an Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office.—[6*th* August 1860.]

CAP. LV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.—[6*th* August 1860.] (England.)

CAP. LVI.

An Act to make further Provision for Improvements in the Harbours of the Isle of Man.—[6*th* August 1860.]

CAP. LVII.

An Act to authorize an Extension of the Time for Repayment of a Loan made by the West India *Relief Commissioners to the Island of* Dominica.—[6*th* August 1860.]

CAP. LVIII.

An Act to amend the Act of the Eighteenth and Nineteenth Years of Her Majesty relating to Friendly Societies.—[6*th* August 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In

In case of Dissolution of Society under Sect. 13. of 18 & 19 Vict. c. 63., not necessary to state in Agreement intended Division of Funds, but may refer the same to the Award of the Registrar.

I. In case of the Dissolution of a Society, according to the Provisions of the Thirteenth Section of the Act passed in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, it shall not be necessary to state in the Agreement the intended Appropriation or Division of the Funds or other Property, but it shall be lawful to the Members, if they shall think fit, to refer such Appropriation or Division to the Award of the Registrar; and in case application shall be made in Writing by the Members of a Society, not being less in Number than Five Eighths of the whole Body thereof, setting forth that the Funds of such Society are insufficient to meet the Claims thereon, with the Grounds upon which such Insufficiency can be proved, it shall be lawful for the Registrar to investigate the same, and if upon such Investigation he shall find that the said Society is in an insolvent Condition, and that it would conduce to the Interests of all Parties concerned, that the Affairs of the Society should be wound up and brought to a Termination, he shall make an Award to that Effect, and shall direct in what Manner the Funds and Property of the Society shall be divided or appropriated, and it shall not be necessary in such Case that the Provisions of the said Thirteenth Section be complied with; provided that previous to such Investigation the Registrar shall give not less than Twenty-one Days Notice in Writing, to be sent by Post to the Trustees, Secretary, or other Officer of such Society, at the Place where such Society holds its Meetings.

Registrar's Award to be conclusive without Appeal.

II. Every Award so made as aforesaid by the Registrar shall be final and conclusive on all Members and other Persons having any Claim on the Funds of the said Society, without Appeal, and shall be enforced in the same Manner as by Section Forty-one of the said Act is provided for enforcing the Award of Arbitrators; and the Expenses of such Award, and of publishing the Notice of Dissolution in the Gazette, shall be paid out of the Funds of the Society before any Appropriation thereof shall be made.

Evidence of Dissolution.

III. When any Agreement for the Dissolution of a Society authorized by Section Thirteen of the said Act shall be transmitted to the Registrar; and when any Award authorized to be made by this Act shall be made by the Registrar, Notice thereof shall, within Twenty-one Days after the same shall have been so transmitted or made respectively, be advertised by the Registrar, as respects Societies in *England* in the *London Gazette*, as respects Societies in *Scotland* in the *Edinburgh Gazette*, and as respects Societies in *Ireland* in the *Dublin Gazette*; and unless within Three Calendar Months from the Date of the Gazette in which such Advertisement shall

shall appear, a Member or other Person interested in or having any Claim on the Funds of the Society shall commence Proceedings to set aside the Dissolution of the Society consequent upon such Agreement or Award, the Society shall be considered for all Intents and Purposes, and in all Courts of Law and Equity, as legally dissolved, and the requisite Consents to such Agreement, or, as the Case may be, to the Application to the Registrar, to have been duly obtained, without Proof of the Signatures thereto.

Registrar's Annual Report to contain Particulars of Awards.

IV. The Registrar in his next annual Report submitted to Parliament shall set forth the Particulars of every Award made under the Provisions of this Act which he may have made during the preceding Twelve Months.

Provisions as to Societies dissolved before passing of this Act.

V. In regard to Societies which have been dissolved before the passing of this Act, if Notice of any Agreement for the Dissolution of such Society, already transmitted to the Registrar, or of any Award made under Section Thirteen of the said Act, shall within Three Months after the passing of this Act be advertised in such Gazette as aforesaid, the Provisions of Section Three of this Act shall apply in the same Way as if such Agreement and Award had been transmitted and made subsequent to the passing of this Act.

Sect. 8. of 21 & 22 Vict. c. 101. repealed.

VI. The Eighth Section of the Act passed in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and one, is hereby repealed; but where, previously to the passing of this Act, any Application has been made to the Registrar respecting the Dissolution of a Society under the said Section, such Society shall be dissolved in the same Manner and with the same Incidents as if this Act were not passed, and for the Purposes of such Dissolution the said Section shall be deemed to remain in full Force.

Penalty for not making annual Return to Registrar in compliance with Sect. 6. of 9 & 10 Vict. c. 27.

VII. If Default shall be made in transmitting to the Registrar before the First Day of *June* in each Year the general Statement or Copy of the last annual Report of any Society, in compliance with the Provisions of Section Forty-five of the Act of the Session of the Eighteenth and Nineteenth of *Victoria*, Chapter Sixty-three, the Officer making such Default shall be liable to a Penalty not exceeding Twenty Shillings, to be recovered, with Costs, at the Suit of the Registrar, before Two or more Justices, as to *England* in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, and as to *Scotland* before Two or more Justices or the

the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend or consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanours, and as to *Ireland* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, or any Act passed for the Amendment of the above-mentioned Acts; and the Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings; and subject to such Direction all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

If Accounts not made to Commissioners, pursuant to Sect. 34. of 18 & 19 Vict. c. 63., Interest thereon to cease until Accounts made.

VIII. If the Accounts and Returns required from certain Friendly Societies by the Commissioners for the Reduction of the National Debt, pursuant to Section Thirty-four of the said Act, be not made within Thirty Days after the same have been required, the Account of the said Society shall be closed by the said Commissioners, and thenceforth no Interest shall be credited to such Society thereon, until such Accounts and Returns shall be furnished to the said Commissioners, or the Money be withdrawn.

Application on behalf of Society may be made by Registrar.

IX. Any Application authorized by Section Twenty-four of the said recited Act to be made by any Person on behalf of a Society, may be made by the Registrar.

This and Friendly Societies Acts to be construed as One.

X. This Act and the Friendly Societies Acts, 1855 and 1858, shall be construed as One Act, and may be cited together for all Purposes as the Friendly Societies Acts.

CAP. LIX.

An Act to extend the Provisions of the Universities and College Estates Act (1858), *and of the Copyhold Acts, and of the Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and thirteen,*

thirteen, and of the Seventeenth and Eighteenth Years of the same Reign, Chapter Eighty-four, so far as the same relate to Universities and Colleges.—[6th August 1860.]

CAP. LX.

An Act to amend the Act for regulating the Queen's Prison.—[6th August 1860.]

CAP. LXI.

An Act for taking the Census of England.—[6th August 1860.]

CAP. LXII.

An Act for taking the Census of Ireland.—[6th August 1860.]

CAP. LXIII.

An Act to amend the Act of the Twenty-first and Twenty-second Years of Victoria, *Chapter Forty-nine, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.*—[6th August 1860.]

WHEREAS it is expedient to amend the Act of the Twenty-first and Twenty-second *Victoria*, Chapter Forty-nine, so far as the same relates to Members of the House of Commons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Omission of certain Words in Oath prescribed by

I. Whenever the House of Commons shall order that any Resolution agreed to pursuant to the First Section of the said recited Act in the same Session shall be a Standing Order of the House, any Member professing the Jewish Religion may thenceforth be sworn pursuant to such Standing Order, so long as

as the same shall continue in force; and it shall be lawful for such Member, in taking and subscribing the Oath which by the Act of the Twenty-first and Twenty-second *Victoria*, Chapter Forty-eight, was substituted for the Oaths of Allegiance, Supremacy, and Abjuration, to omit the Words "and I make this Declaration upon the true Faith of a Christian," and the taking and subscribing by such Member, pursuant to such Standing Order, of the Oath so modified shall, so far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing by other Members of the said Oath in the Form required by the last-mentioned Act. 21 & 22 Vict. c. 48. when taken by Persons professing the Jewish Religion.

CAP. LXIV.

An Act to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards.—[6*th* August 1860.]

CAP. LXV.

An Act to authorize the Commissioners of the Treasury to further regulate the Postage on re-directed Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service.—[6*th* August 1860.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter Ninety-six, for the Regulation of the Duties of Postage, and by the Fourteenth Section of the said Act, after reciting that Letters and Packets sent by the Post were chargeable by Law on being re-directed and again forwarded by the Post with a new and distinct Rate of Postage, it was enacted, that on every Post Letter re-directed (whether posted with any Stamp thereon or not) there should be charged for the Postage of such Letter from the Place at which the same should be re-directed to the Place of ultimate Delivery (in addition to all other Rates of Postage payable thereon) such a Rate of Postage only as the same would be liable 3 & 4 Vict. c. 96.

liable to if pre-paid; and by the Fifty-third Section of the said Act certain Privileges were given and granted both to send and receive Letters, at a reduced Rate of Postage, to Seamen employed in Her Majesty's Navy, whether at home or abroad, and to Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers in Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whether at home or abroad, whilst respectively actually employed in Her Majesty's Service, and to Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers in the Service of the *East India* Company, whilst actually employed in the Service of the Company; but the Letters of Commissioned Officers or Warrant Officers, whether in the Army or Navy, or Midshipmen, or Masters Mates of the Navy were not included in that Provision; and it was declared that with respect to Letters sent by any such privileged Persons, and with respect to Letters received by the Post by any of the said privileged Persons, certain Conditions therein respectively mentioned and prescribed should be observed; and also that any Letters received by the Post under that Enactment by any such privileged Persons which might have been re-directed should not be charged any Postage on or in respect of such Re-direction: And whereas another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Eighty-five, for giving further Facilities for the Transmission of Letters by Post and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office, and by the Seventh Section of the said last-mentioned Act it was provided that the Privilege given to Seamen and Soldiers by the said before-recited Act should be enjoyed by such Seamen and Soldiers, whether any such Letters should be liable to any Foreign Postage or not, but subject to the Payment of the Foreign Postage if any should be chargeable thereon: And whereas the like Privileges were afterwards given and granted to Seamen employed abroad in the Service of the *East India* Company, whilst actually employed in the Service of the Company, by Treasury Warrant duly made and bearing Date the Twenty-eighth Day of *November* One thousand eight hundred and forty-four: And whereas another Act was passed in the Session of Parliament holden in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, for the better Government of *India*, and by the Fifty-sixth Section of the said last-mentioned Act it was provided that the Military and Naval Forces of the *East India* Company should be deemed to be the *Indian* Military and Naval Forces of Her Majesty:

10 & 11 Vict. c. 85.

Majesty: And whereas it is expedient to make further Provision for enabling Commissioned and Warrant Officers, Seamen, and Soldiers to receive their re-directed Letters free of the re-directed Rates of Postage whilst actually employed in Her Majesty's Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury, by Warrant, to authorize private Letters of Commissioned and Non-commissioned Officers, &c. to be delivered free of the Foreign Postage chargeable in respect of Re-direction;

I. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, authorize all Letters received by the Post on their own private Concerns by Commissioned Officers and Warrant Officers whether in the Army or the Navy, and Midshipmen and Masters Mates in the Navy, whether at home or abroad, and by Commissioned and Warrant Officers, Midshipmen, and Masters Mates in Her Majesty's *Indian* Military and Naval Forces, and by Seamen employed in Her Majesty's Navy, whether at home or abroad, and by Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers in Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whether at home or abroad, and by Serjeants, Corporals, Drummers, Trumpeters, Fifers, Private Soldiers, and Seamen in Her Majesty's *Indian* Military and Naval Forces, whilst respectively actually employed in Her Majesty's Service, to be delivered to all such Persons respectively free of Foreign Postage chargeable on or in respect of Re-direction on such Letters when such Letters shall have been re-directed and again forwarded by the Post and transmitted or sent through any Foreign Country, (the several Conditions imposed by the said Fifty-third Section of the before-recited Act of the Third and Fourth *Victoria*, Chapter Ninety-six, with respect to Letters received by the Post by the privileged Persons therein mentioned being duly observed with respect to Letters to be received by the Post by such Seamen, Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers respectively as aforesaid), and may also from Time to Time, by Warrant under their Hands, reduce or remit the Rates of Postage, *British* or Colonial, which may be chargeable by Law on or in respect of Re-direction on all Letters received by the Post on their own private Concerns by Commissioned Officers and Warrant Officers whether in the Army or Navy, and Midshipmen and Masters Mates in the Navy, whether at home or abroad, and by Commissioned Officers and Warrant Officers, Midshipmen and Masters Mates in Her Majesty's *Indian* Military and Naval Forces, whilst respectively actually employed

or to reduce Rates of British or Colonial Postage.

ployed in Her Majesty's Service, which shall have been redirected and again forwarded by the Post.

London Gazette to be Evidence of due issuing of such Warrant.

II. Any printed Copy of the *London Gazette* in which any Warrant or Order issued or made under or by virtue of this Act, or purporting so to be, shall be published shall be admitted as Evidence by all Courts, Judges, Justices, and others of such Warrant or Order, and of the due making and issuing thereof, and of the Contents of any such Warrant, without any further or other Proof of such Warrant.

Act to be deemed a Post Office Act.

III. This Act shall be deemed and considered a Post Office Act, and the several Terms and Expressions used therein shall be construed according to the respective Interpretations contained or referred to in the said Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter Ninety-six.

Commencement of Act.

IV. This Act shall come into operation on the First Day of *October* One thousand eight hundred and sixty.

CAP. LXVI.

An Act to amend the Medical Act (1858).—[*6th* August 1860.]

21 & 22 Vict. c. 90.

WHEREAS by "The Medical Act, 1858," it is provided that it shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of *London* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *England*," and to grant to the Corporation of the Royal College of Physicians of *Edinburgh* a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of *Scotland*," and to grant to the Corporation of the King and Queen's College of Physicians in *Ireland* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *Ireland*;" but Provision is not made by the said Act for reserving to the said Colleges, and the Presidents and Censors, Fellows, Members, Licentiates, and Extra Licentiates thereof respectively, by their said new Names, the Powers, Privileges, Liberties, and Immunities to which they are respectively entitled by their existing Names, and Doubts have arisen whether, in case of the Acceptance by these Colleges respectively of new Charters under such altered Names respectively, the said Powers, Privileges, Liberties, and Immunities would legally attach and be preserved

served to them, and it is expedient that such Doubts should be removed: And whereas by an Act passed in the Fourteenth and Fifteenth Years of the Reign of King *Henry* the Eighth, intituled *The Privileges and Authorities of Physicians in* London, certain Letters Patent, dated the Twenty-third Day of *September*, in the Tenth Year of the Reign of His said Majesty, whereby certain Physicians in *London* therein named were incorporated by the Name of "The President and College or Commonalty of the Faculty of Physic in *London*," were ratified and confirmed; and by the said Act it was enacted, that the Six Persons named in the said Letters Patent, and Two more of the said Commonalty to be chosen by them, should be called Elects, and that the said Elects should yearly choose One of them to be President of the said Commonalty, and that as oft as any of the Places of the said Elects should become void the Survivors should choose and admit One or more, as Need should require, of the said Faculty to supply the Number of Eight Persons, and that no Person should from thenceforth be suffered to practise in Physic through *England* until he be examined by the said President and Three of the said Elects, and have from them Letters Testimonial, except he be a Graduate of *Oxford* or *Cambridge*: And whereas the main Function of the said Elects, *viz.*, that of examining and granting Letters Testimonial, has been virtually superseded by the said Medical Act, and they have ceased to grant Letters Testimonial in accordance with the Provisions contained in the last-recited Act; and it is therefore expedient that the before-recited Provisions should be repealed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

14 & 15 Hen. 8. c. 5.

I. The Expression in the Medical Act and this Act "The Corporation of the Royal College of Physicians of *London*," or "The Royal College of Physicians of *London*," shall be taken to denote the Corporation of "The President and College or Commonalty of the Faculty of Physic in *London*."

Interpretation of Terms.

II. Any new Charter which, under the Provisions of the Medical Act, shall be granted to the Corporation of the Royal College of Physicians of *London*, may be granted to them either by and in the Name of the Royal College of Physicians of *London*, or, as provided by that Act, by and in the Name of the Royal College of Physicians of *England*; and any such new Charter granted to the Corporation of the Royal College of Physicians of *Edinburgh* may be granted to that College either

New Charters may be granted to the Colleges.

either by and in its present Name, or, as provided by the Medical Act, by and in the Name of the Royal College of Physicians of *Scotland*; and any such new Charter granted to the Corporation of the King and Queen's College of Physicians in *Ireland* may be granted to that College either by and in its present Name, or, as provided by the Medical Act, by and in the Name of the Royal College of Physicians of *Ireland*.

Colleges to retain all existing Rights, notwithstanding Change of Name.

III. The granting of new Charters to the said Corporations respectively by and in the altered Names and Styles respectively, as provided in the Medical Act, shall not, in respect of such Alteration of Name or Style merely, alter or affect in any way the Rights, Powers, Authorities, Qualifications, Liberties, Exemptions, Immunities, Duties, and Obligations granted, conferred, or imposed to or upon, or continued and preserved to the said Corporations respectively, and the respective Presidents, Censors, Fellows, Members, and Licentiates thereof, by the respective Charters and Acts of Parliament relating to the said Corporations respectively, or by the Medical Act, the Act to amend the Medical Act, the Medical Acts Amendment Act, 1860, and this Act respectively; but the said Corporations respectively, and the respective Presidents, Censors, Fellows, Members, and Licentiates thereof, shall, notwithstanding any such Change of Name and Style, have and retain all such and the same Rights, Powers, Authorities, Qualifications, Liberties, Exemptions, and Immunities, and be subject to all such and the same Duties and Obligations, as if such new Charters respectively had been granted to them by and in their respective Names and Styles as then existing.

Colleges to hold Property notwithstanding Change of Name.

IV. Each of the said Corporations shall also, notwithstanding any such Alteration of Name or Style, have, hold, and enjoy, and continue to have, hold, and enjoy, all Lands and other Real and Personal, Heritable and Moveable Property belonging to such Corporation, either beneficially or in trust, at the Date of the granting of such new Charter, and may execute and perform any Use or Trust for the Time being vested or reposed in such Corporation.

Provisions in 14 & 15 Hen. 8. c. 5. as to the Elects repealed.

V. So much of the Act of the Fourteen and Fifteen *Henry* the Eighth, Chapter Five, as relates to the Elects of the said Royal College of Physicians of *London*, and their Powers and Functions, shall be and the same is hereby repealed, but this Repeal shall not prejudice or affect the Rights and Privileges of any Persons to whom the said President and Elects may have granted Letters Testimonial; and all Trusts which by any Deed, Gift, Devise, or Bequest are vested in, or to be executed or performed by the Elects, or some defined Number of them, shall vest in and accrue to, and be executed and performed

formed by the Censors of the said College for the Time being as if the Name of the Censors had in such Instruments respectively been used instead of that of the Elects, and the Office and Name of Elects of the said College shall henceforth wholly cease and determine.

Election of the President of the Royal College of Physicians of London.

VI. The Office of President of "The Royal College of Physicians of *London*" shall be an annual Office; and *Thomas Mayo*, Doctor of Physic, the now President of the said Corporation, shall remain such President until the Day next after *Palm Sunday* in the Year One thousand eight hundred and sixty-one, when he shall go out of Office; and the Fellows of the said Corporation shall, at a Meeting to be holden by them for that Purpose, on the same Day, and on the same Day in every subsequent Year, elect some One of the Fellows of the said Corporation in such Manner as shall be provided by any Byelaw or Byelaws made in that Behalf by the said Corporation, and for the Time being in force, to be President of the said Corporation, but the retiring President shall always be capable of being re-elected, and every President shall remain in Office until the actual Election of a new President; or in case of the Death, Resignation, or other Avoidance of any such President before the Expiration of his Year of Office, the said Fellows shall, at a Meeting to be holden by them for that Purpose, as soon as conveniently may be (of which due Notice shall be given), elect One other of the Fellows of the said Corporation in such Manner as aforesaid to be President for the Remainder of the Year in which such Death, Resignation, or other Avoidance shall happen, and until such Election the Duties of President shall be performed by the senior Censor for the Time being.

CAP. LXVII.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.—[*6th* August 1860.]

WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, an Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and sixty, and to the End of the then next Session of Parliament; and it is expedient 4 & 5 Vict. c. 59.

ent that the same be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be continued until the First Day of *October* One thousand eight hundred and sixty-five, and to the End of the then next Session of Parliament.

Recited Act further continued.

CAP. LXVIII.

An Act for the better Management and Control of the Highways in South Wales.—[*6th* August 1860.]

CAP. LXIX.

An Act to enable the Ecclesiastical Commissioners for England *to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of* Manchester. —[*6th* August 1860.]

CAP. LXX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[*6th* August 1860.]

CAP. LXXI.

An Act to make Provision as to Stock and Dividends unclaimed in Ireland.—[*6th* August 1860.]

CAP. LXXII.

An Act to promote and facilitate the Endowment and Augmentation of small Benefices in Ireland.—[*6th* August 1860.]

CAP. LXXIII.

CAP. LXXIII.

An Act to continue certain Turnpike Acts in Great Britain, *and to extend the Provisions of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Thirty-eight.*—[6*th* August 1860.]

None of the *Acts* mentioned in the Schedule annexed to this Act apply to Scotland.

CAP. LXXIV.

An Act to amend the Provisions of the Act for the Regulation of Municipal Corporations in Ireland, *with respect to the Appointment of Coroners in Boroughs.*—[6*th* August 1860.]

CAP. LXXV.

An Act to make better Provision for the Custody and Care of Criminal Lunatics.—[6*th* August 1860.]

WHEREAS by the Act of the Session holden in the Thirty-ninth and Fortieth Years of King *George* the Third, Chapter Ninety-four, and the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Fifty-four, Her Majesty is empowered, where any Person is charged with any such Offence as therein mentioned, and acquitted on account of Insanity, and where any Person is indicted for any Offence and upon an Arraignment is found insane, to give Order for the safe Custody of such Person during Her Pleasure, in such Place and in such Manner as She may think fit; and by the said Act of the Third and Fourth Years of Her Majesty One of Her Majesty's Principal Secretaries of State is empowered, upon such Certificate as therein mentioned of the Insanity of any Person imprisoned as therein mentioned, to direct such Person to be removed to such County Lunatic Asylum, or other proper Receptacle for insane Persons, as the said

39 & 40 G. 3. c. 94.

3 & 4 Vict. c. 54.

said Secretary of State may judge proper and appoint: And whereas by the Acts of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Twenty-nine, and of the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Twenty-six, the said Secretary of State is empowered to order any Convict in *Pentonville* or *Millbank* Prison becoming or found insane during Confinement to be removed to such Lunatic Asylum as the said Secretary of State may think proper: And whereas it is expedient that Provision should be made for the Custody and Care of Criminal Lunatics in an Asylum or Asylums appropriated to that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 29.

6 & 7 Vict. c. 26.

Her Majesty may appoint Asylum for Criminal Lunatics.

I. It shall be lawful for Her Majesty from Time to Time, by Warrant under Her Royal Sign Manual, to appoint that any Asylum or Place in *England* which Her Majesty may have caused to be provided or appropriated, and may deem suitable for this Purpose, shall be an Asylum for Criminal Lunatics, and the Provisions of this Act shall be applicable to every such Asylum.

Secretary of State may direct Criminal Lunatics to be confined in the Asylum.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to direct to be conveyed to and kept in any such Asylum any Person for whose safe Custody during Her Pleasure Her Majesty is authorized to give Order, or whom such Secretary of State might direct to be removed to a Lunatic Asylum under any of the Acts herein-before mentioned, or under any other Act of Parliament, or any Person sentenced or ordered to be kept in Penal Servitude, who may be shown to the Satisfaction of the Secretary of State to be insane, or to be unfit from Imbecility of Mind for Penal Discipline; and the Secretary of State may direct to be removed to and kept in such Asylum any such Persons as aforesaid, who, under any previous Order of Her Majesty or Warrant of the Secretary of State, may have been placed and remain in any County Lunatic Asylum, or other Place of Reception for Lunatics, and every Person directed by the Secretary of State to be conveyed or removed to and kept in an Asylum under this Act, shall be conveyed to such Asylum accordingly, and shall be kept therein until lawfully removed or discharged, and that with every Person so conveyed or removed there shall be transmitted a Certificate, as set forth in Schedule A. to this Act annexed, duly filled up and authenticated, the Contents of which Certificate shall be transcribed into the General Register to be kept in every such Asylum.

III. Nothing

III. Nothing in this Act shall restrain or affect the Authority of Her Majesty, where She may so think fit, to give such other Order for the safe Custody of any such Person as aforesaid as She might have given if this Act had not been passed, or restrain or affect the Authority of the Secretary of State to continue in or direct to be removed to any County Asylum or other Place for the Reception of Lunatics any of the Persons aforesaid whom he might have so continued or directed to be removed if this Act had not been passed. Nothing to affect the Authority of the Crown to make other Provision for the Custody of a Criminal Lunatic.

IV. It shall be lawful for the Secretary of State from Time to Time to appoint any such Persons as he may think fit, being not less than Three in Number, to be a Council of Supervision for any Asylum under this Act, and to remove all or any of the said Council, and upon the Removal, Death, or Resignation of any Member of the said Council, to appoint another in his Place; and also from Time to Time to appoint for the Asylum a resident Medical Superintendent, a Chaplain, and such other Officers, Assistants, and Servants as he may deem necessary, and at Pleasure to remove such Superintendent, Chaplain, Officers, Assistants, and Servants respectively; and the Secretary of State, with the Approval of the Commissioners of Her Majesty's Treasury, shall fix the Salaries to be paid to the Superintendent, Chaplain, Officers, Assistants, and Servants of such Asylum. Secretary of State to appoint Council of Supervision and Officers for Asylums.

V. It shall be lawful for the Secretary of State from Time to Time to make Rules for the Government and Management of the Asylum, and for the Duties and Conduct of the Officers thereof, and for the Care and Treatment of the Persons confined therein, and to subscribe a Certificate that they are fit to be enforced, and such Rules, when so certified, shall be binding on the Council, and all Officers, Assistants, and Servants of the Asylum, and all other Persons whomsoever, and all such Rules shall be laid before Parliament within Twenty-one Days after they shall be certified, or if Parliament be not sitting then within Twenty-one Days after the next Meeting of Parliament. Secretary of State to make Rules for the Government of the Asylum.

VI. Subject to the Rules certified by the Secretary of State under this Act, the Council of Supervision shall superintend and direct the Management and Conduct of the Asylum, and the Care and Treatment of the Lunatics confined therein; and such Council or any Two of them shall from Time to Time, as by the Rules shall be provided, and at such other Times as they may think fit, report in Writing to the Secretary of State in relation to the Management and Conduct of the said Asylum and the Condition thereof, and to any Matters concerning the same; and if any Person detained and confined as aforesaid shall be of a Religious Persuasion differing from that of the Established Subject to such Rules, Council to superintend Asylum.

Established Church, a Minister of such Persuasion at the special Request of such Person or of his Friends or Relations shall be allowed to visit him at proper and reasonable Times by Application to the Medical Superintendent, and under such Rules as may be approved of by the Secretary of State, but no such Person shall be compelled to attend any of the Ordinances or Instructions of any Religious Persuasion other than his own.

Provision as to Removal and Discharge of Lunatics.

VII. The Provisions of the Acts herein-before mentioned, or of any other Act for the Removal or Discharge of Lunatics whom the said Secretary of State is, under the herein-before mentioned Acts or any other Act now in force, authorized to direct to be removed to any Lunatic Asylum, shall extend and apply to any Lunatic whom the Secretary of State may direct to be conveyed to any Asylum for Criminal Lunatics appointed under this Act: Provided always, that any Order for Removal or Discharge which may now be made by the Secretary of State on the Certificate of Two Physicians or Surgeons may be made on the Certificate of the Resident Medical Superintendent of the Asylum and any Two of the Council of Supervision.

Provision for Discharge of Persons confined after their Term of Imprisonment has expired.

VIII. Provided also, That where by reason of the Expiration of his Term of Imprisonment or Penal Servitude, or otherwise, a Person confined in the Asylum would be entitled to his Discharge if duly certified to have become of sound Mind, it shall be lawful for the Secretary of State by his Warrant to order the Discharge of such Person, although he may not have been certified as aforesaid, to the Intent that he may be placed in a County Lunatic Asylum, or otherwise subjected to the same Care and Treatment as Lunatics not being Criminals.

Secretary of State may permit any Lunatic to be absent from Asylum on Trial, &c.

IX. Provided also, That it shall be lawful for the Secretary of State by his Warrant to permit any Person confined in the Asylum to be absent from such Asylum upon Trial for such Period as he may think fit, or to permit any such Person to be absent from such Asylum upon such Conditions in all respects as to the Secretary of State shall seem fit, and in case any Person so permitted to be absent upon Trial for any Period do not return at the Expiration of such Period, or in case any of the Conditions on which any Person is so permitted to be absent be broken, the Person not returning at such Expiration or absent after any such Condition has been broken, as the Case may be, may be re-taken as herein provided in the Case of an Escape.

Provisions of 3 & 4 Vict. c. 54., as to Expenses of Convey-

X. All Provisions in the said Act of the Third and Fourth Years of Her Majesty for the Payment of the Conveyance of such insane Persons as therein mentioned to any Asylum or other Receptacle, and of his Maintenance therein, shall extend and

and be applicable to the Conveyance of any such Person to any Asylum for Criminal Lunatics, and his Maintenance therein, and all Sums payable under any Order made under such Provisions shall be paid and applied towards defraying or reimbursing the Expenses in respect of which the same are paid, or other Expenses of the Asylum, as the Commissioners of Her Majesty's Treasury may direct. ance and Maintenance to apply to this Act.

XI. In case of Escape of any Person confined in any Asylum for Criminal Lunatics, he may be retaken at any Time by the Superintendent of such Asylum, or any Officer or Servant belonging thereto, or any Person assisting such Superintendent, Officer, or Servant in this Behalf, or any other Person authorized in Writing in this Behalf by the Secretary of State or such Superintendent, and conveyed to and received and detained in such Asylum. Lunatics escaping may be retaken by Superintendent, &c.

XII. Any Person who rescues any Person ordered to be conveyed to any Asylum for Criminal Lunatics during the Time of his Conveyance thereto, or of his Confinement therein, and any Officer or Servant in any Asylum for Criminal Lunatics, who through wilful Neglect or Connivance permits any Person confined therein to escape therefrom, or secretes, or abets or connives at the Escape of any such Person, shall be guilty of Felony, and being convicted thereof shall be liable to be kept in Penal Servitude for any Term not exceeding Four Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, at the Discretion of the Court, and any such Officer or Servant who carelessly allows any such Person to escape as aforesaid, shall on summary Conviction before Two Justices of such Offence, forfeit any Sum not exceeding Twenty Pounds nor less than Two Pounds. Punishment of Persons for Rescue or permitting Escape.

XIII. Any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any Asylum for Criminal Lunatics who strikes, wounds, ill-treats, or wilfully neglects any Person confined therein, shall be guilty of a Misdemeanour, and shall be subject to Indictment for every such Offence, and on Conviction under the Indictment to Fine or Imprisonment, with or without Hard Labour, or to both Fine and Imprisonment, at the Discretion of the Court, or to forfeit for every such Offence, on a Summary Conviction thereof before Two Justices, any Sum not exceeding Twenty Pounds nor less than Two Pounds. Penalty on Officers or Servants ill-treating Lunatics.

XIV. Two or more of the Commissioners in Lunacy, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall, once or oftener in each Year, on such Day or Days and at such Hours of the Day and for such Length of Time as they think fit, and also at any Time when directed Commissioners in Lunacy to visit Asylums;

directed by the Secretary of State, visit every Asylum for Criminal Lunatics, and shall inquire as to the Condition, as well mental as bodily, of the Persons confined therein, or any of them, and shall also make such other Inquiries as to such Asylum as to them may seem proper, or as such Secretary of State may direct.

and report to Secretary of State.

XV. The Commissioners in Lunacy shall in the Month of *March* in every Year report to One of Her Majesty's Principal Secretaries of State the Visits made as aforesaid in the preceding Year, and all such Particulars in relation to every Asylum visited as aforesaid as they think deserving of Notice, and shall also report in like Manner in relation to any Visit made by the Direction of the Secretary of State, as soon as conveniently may be after such Visit, and a Copy of every such Report shall be laid before Parliament within Twenty-one Days after the Receipt thereof, or if Parliament be not sitting, then within Twenty-one Days after the next Meeting of Parliament.

SCHEDULE A.

STATEMENT respecting CRIMINAL LUNATICS to be filled up and transmitted to the MEDICAL SUPERINTENDENT with every CRIMINAL LUNATIC.

Name	
Age	
Date of Admission	
Former Occupation	
From whence brought	
Married, single, or widowed	
How many Children	
Age of youngest	
Whether First Attack	
When previous Attacks occurred	
Duration of existing Attack	
State of bodily Health	
Whether suicidal or dangerous to others	
Supposed Cause	
Chief Delusions or Indications of Insanity	
Whether subject to Epilepsy	
Whether of temperate Habits	
Degree of Education	

Religious

Religious Persuasion . .
Crime . . . . .
When and where tried . .
Verdict of Jury . .
Sentence . . .

CAP. LXXVI.

An Act to amend the Burial Grounds (Ireland) *Act* (1856).—[6*th* August 1860.]

CAP. LXXVII.

An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.—[6*th* August 1860.] (England.)

CAP. LXXVIII.

An Act to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts.—[6*th* August 1860.]

WHEREAS it is the Practice of some of the Occupiers of Bleaching Works and Dyeing Works to keep Females, Young Persons, and Children at work during the Night, and an unreasonable Number of Hours during the Day: And whereas such Practices are not necessary to the successful carrying on of those Trades, but are very injurious to the Health and Morals of the Females, Young Persons, and Children employed therein, and it has become necessary to regulate the Employment of such People, and to provide for the Education of such Children: And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom*: And whereas an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to* 3 & 4 W. 4. c. 103. 7 & 8 Vict. c. 15.

to Labour in Factories: And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of Young Persons and Females in Factories:* And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to Labour in Factories:* And whereas an Act was passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act further to regulate the Employment of Children in Factories:* And whereas an Act was passed in the Twentieth Year of the Reign of Her present Majesty, intituled *An Act for the further Amendment of the Laws relating to Labour in Factories:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 29.

13 & 14 Vict. c. 54.

16 & 17 Vict. c. 104.

19 & 20 Vict. c. 38.

Recited Acts to apply to Bleaching and Dyeing Works, and to the Employment of Females, Young Persons, and Children therein.

I. That from and after the First Day of *August* One thousand eight hundred and sixty-one the Powers and Provisions of the herein-before recited Acts shall apply and be held to apply to Bleaching Works and Dyeing Works, except Works in which the Operation of Bleaching by the Open-air Process is the only Operation of Bleaching carried on, and to the Employment of Females, Young Persons, and Children in Bleaching Works and Dyeing Works, except as aforesaid, to all Intents and Purposes as completely and effectively as if such Bleaching Works and Dyeing Works had been mentioned and included in the Provisions of the herein-before recited Acts or any of them, except as is herein-after provided: Provided nevertheless, that until the First Day of *August* One thousand eight hundred and sixty-two it shall be lawful to employ Females above the Age of Eighteen Years and Young Persons in Bleaching Works and Dyeing Works until Eight of the Clock at Night on every working Day except *Saturdays*, and until Half past Four of the Clock in the Afternoon on *Saturdays*.

Females and Young Persons may be employed until Half past Four o'Clock on Saturdays and until Eight o'Clock on other Days, but not so as to

II. Provided also, That after the said First Day of *August* One thousand eight hundred and sixty-two it shall be lawful to employ Females above the Age of Eighteen Years and Young Persons in Bleaching Works and Dyeing Works, in every Case where the Employment of such Females and Young Persons, as regulated by the herein-before recited Acts, or any of them, or by this Act, shall have been suspended or Time shall have been lost in consequence of Fluctuations in Trade, the Nature of the Process, or any other Cause, in recovering Time so lost, until Half past Four of the Clock in the Afternoon on *Saturdays*, and until Eight of the Clock at Night on other Days:

Days: Provided that by means of such Employment the whole Time which such Females and Young Persons, or any of them, shall have been employed during the then present Calendar Month and the then last past Six Calendar Months, do not exceed the total Number of Hours which such Females and Young Persons may lawfully be employed according to the Provisions of the First Section of this Act and of the Provisions of the recited Acts.

exceed in any Period of Six Months and Part of another Month the total Number of Hours allowed by this Act, &c.

III. It shall not be lawful in any Case, after the said First Day of *August* One thousand eight hundred and sixty-one, to employ Females and Young Persons or any of them in Bleaching Works or Dyeing Works, except such Works as before excepted, after Half past Four of the Clock in the Afternoon of any *Saturday*, or for more than Nine Hours on any *Saturday*, or for more than Twelve Hours on any other Day.

Restriction as to Time Females and Young Persons are to be employed on Saturdays, and on other Days.

IV. In any Bleaching Works or Dyeing Works in which the Employment of Females and Young Persons shall have been suspended during any Day or part of a Day, by reason of a Deficiency or Excess of Water in the Stream which, by means of a Waterwheel, should drive the Machinery or Part of the Machinery in such Works, but shall have failed so to do, it shall be lawful to employ such Females and Young Persons in such Cases during the Day and the Night following such Day (except such Day be *Saturday* when they may work until Six of the Clock) for the same Number of Hours within the Twenty-four consecutive Hours of such Day and Night as such Females and Young Persons may then otherwise be lawfully employed according to the Provisions of the herein-before recited Acts or of this Act.

Females and Young Persons may be employed during the Night in case of Suspension of Employment by Deficiency or Excess of Water in the Stream, Saturday Night excepted.

V. After the Month of *July* in the Year One thousand eight hundred and sixty-two the Occupier of every Bleaching Works or Dyeing Works, except such Works as before excepted, who shall employ Females and Young Persons, or any of them, after Half of an Hour after Two of the Clock in the Afternoon on any *Saturday*, or after Six of the Clock in the Evening on any other Day or Days, or during the Night, as herein-before provided, shall every Day, except *Sundays*, before Twelve of the Clock at Noon, register in a Book, first approved by an Inspector, in the Form given in Schedule (A.) to this Act annexed, in case such Females and Young Persons, or some of them, shall severally have been employed at or during a different Time or Times, the Time which each and every such Female and Young Person shall severally have been employed during the working Day last passed; and in case all such Females and Young Persons shall have been employed

Occupiers who employ Females and Young Persons according to the Provisions of this Act to keep Registers in the Form given in the Schedules annexed hereto.

employed at one and as near as may be the same Time, then such Occupier shall every Day, except *Sundays*, before Twelve of the Clock at Noon register in a Book first approved by an Inspector, in the Form given in Schedule (B.) to this Act annexed, the longest Time which any such Females and Young Persons shall have been employed during the working Day last passed; and the Time so registered shall be held to be the Time which all such Females and Young Persons were so employed in such Works, unless it be proved otherwise to the Satisfaction of a Justice of the Peace.

As to Employment of Females and Young Persons who have not been before employed in Bleaching or Dyeing Works, &c.

VI. It shall be lawful to employ in Bleaching Works and Dyeing Works Females and Young Persons who shall not at any Time previous have been employed in any Bleaching Works or Dyeing Works, or who shall not have been employed at the same Works during the Calendar Month then last passed for the same Hours and at the same Time which it may then be lawful to employ Females and Young Persons who shall then be and have been employed at such Bleaching Works or Dyeing Works and none other during the Six Calendar Months last passed.

Interpretation of Terms.

VII. In the Construction of this Act the Words "Bleaching Works" and "Dyeing Works" shall be understood respectively to mean any Building, Buildings, or Premises in which Females, Young Persons, and Children, or any of them, are employed, and in One or more of which Buildings or Premises any Process previous to packing is carried on in the Occupation of Bleaching, Dyeing, or Finishing of any Yarn or Cloth of Cotton, Silk, Wool, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, and in One or more of which Processes Steam, Water, or other mechanical Power is used or employed; and the Words "the Operation of Bleaching by the Open-air Process" shall include every Process, whether of preparing, beetling, dyeing, finishing, or otherwise, to which Yarn or Cloth *bonâ fide* bleached in the open Air in Fields or Greens is usually and properly subjected.

Amendment of Sect. 28. of 7 & 8 Vict. c. 15. as to Notice of Time lost intended to be recovered.

VIII. That so much of Section Twenty-eight of the hereinbefore secondly recited Act as provides that Notices of all Time lost which is intended to be recovered, and of all Time which shall be recovered, shall be hung up in the Entrance of the Factory, and the whole of Section Thirty-three of the said Act, shall not apply to the Employment of Females or Young Persons under the Provisions of this Act; and that so much of Section Twenty-eight of the said Act as provides that Notices of the Times of the Day and Amount of Time allowed for their several Meals, of all Time lost which is intended to be

be recovered, and of all Time which shall be recovered, shall be hung up in the Entrance of the Factory, and so much of Section Thirty-six of the said Act as provides that during any Meal Time which shall form any Part of the Hour and a Half allowed for Meals no Child or Young Person shall be employed, or allowed to remain in any Room in which any manufacturing Process is then carried on, and all the Young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, shall not apply to the Employment of Male Persons above Thirteen Years of Age in any Dyeing Works, or to the Employment of Children or Young Persons during the Meal Time of such Male Persons.

Act not to apply to Premises used solely for Purposes declared in 8 & 9 Vict. c. 29. regulating Labour of Children in Print Works.

IX. Nothing in this Act contained shall extend or apply to any Person in so far as they are employed in the open Air, or to any Building, Buildings, or Premises used solely for the Purposes declared in the Act of the Ninth Year of *Victoria*, intituled *An Act to regulate the Labour of Children, Young Persons, and Females in Print Works*, or to the Occupier of such Building, Buildings, or Premises in respect thereof, or to any Person or Persons employed solely in the Manner declared and regulated by the said Act, or to any Premises, either open, inclosed, or covered, used or to be used *bonâ fide* exclusively for the Purposes of carrying on the Process, Occupation, Trade, or Business of Turkey Red Dyeing, or to any Employment necessary or incident thereto, or to the Occupier of such Premises in respect thereof, or to the Employment upon such Premises of any Females, Young Persons, or Children solely engaged or employed in any such Process, Occupation, Trade, Business, or Employment.

Certain Provisions of Factories Acts not to extend to Bleaching, &c., Works.

X. Provided always, That the Provisions of the Factories Acts in regard to requiring Machinery to be fenced off, and the Ceilings of Buildings to be whitewashed, shall not extend to Bleaching Works or Dyeing Works.

Hours of Work defined.

XI. Provided always, That for the Purposes of this Act (except as in this Act otherwise provided) the Time within which a Person may be employed in Bleaching, Dyeing, or Finishing Works is from Six of the Clock in the Morning to Eight of the Clock in the Evening, but so that such Person shall not work more than Eight Hours on *Saturday*, Twelve Hours on any other Day, nor more than Sixty Hours in a Week.

Provisions in Factories Acts as to Meal Times not to extend to this Act.

XII. The Provisions contained in the Factories Acts fixing the Times for the Meals of the Workpeople employed in Factories shall not extend to Workpeople employed in Bleaching Works or Dyeing Works.

SCHE-

SCHEDULE (A.)

Register of the Time which each and every Female and Young Person has been employed during the Week ending [*February 18th* 1860], by [*John Armstrong and Company*] at the [*Fir Trees*] Bleaching Works or Dyeing Works, situate in the Township of [*Hopeton*] in the County of [*Lancaster*].

Progressive No. in Certificate Book.	Surname.	Christian Name.	Feb. 13. Monday.		Feb. 14. Tuesday.		Feb. 15. Wednesday.		Feb. 16. Thursday.		Feb. 17. Friday.		Feb. 18. Saturday.	
			Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.

SCHEDULE (B.)

Register of the longest Time which any Female or Young Person has been employed on each Day of the Month ending [*February 18th* 1860], by [*John Armstrong and Company*] at the [*Fir Trees*] Bleaching Works or Dyeing Works, situate in the Township of [*Hopeton*] in the County of [*Lancaster*].

	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.	
	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.
(1860.)												
Week ending (January 28)												
Week ending (February 4)												
Week ending (February 11)												
Week ending (February 18)												

CAP. LXXIX.

An Act to provide additional Accommodation for the Sheriff Courts in Scotland.—[*6th* August 1860.]

WHEREAS it is expedient that additional Accommodation should be provided for the Sheriff Courts in *Scotland* and the Offices connected therewith: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Sheriff Court Houses Act, 1860."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

The Word "Sheriff" shall include Sheriffs Substitute:

The Word "Magistrates" shall include Provost, Magistrates, and Council:

The Expression "Lands and Heritages," and the Expression "Valuation Rolls" shall have the same Meaning as is assigned to these Expressions in "The Valuation of Lands (*Scotland*) Acts," Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twenty-first *Victoria*, Chapter Fifty-eight:

The Word "Court House" shall include Sheriff Clerk's Offices and Accommodation for the Procurator Fiscal, and for Procurators and Witnesses, and for the safe Custody of Documents: The Expression "Erection of a Court House" shall include the Addition to and the Alteration or rebuilding of any Court House already existing, and all necessary Works connected with such Erection, Addition, Alteration, or Rebuilding, and shall also include the Purchase of any existing Building for the Purpose of a Court House.

Representation may be made to the Secretary of State of Inadequacy of existing Court Houses.

III. On a Representation in Writing being made to One of Her Majesty's Principal Secretaries of State, by any Three Commissioners of Supply of any County, or by Her Majesty's Lieutenant and the Sheriff Depute of any County in *Scotland*, setting forth that the Court House Accommodation in such County is inadequate, it shall be lawful for the Secretary of State to remit such Representation for Investigation, and report

port to such Persons as he may think fit, and to make such other Inquiry with respect thereto as he may think necessary.

Representation, with Intimation of Opinion of Secretary of State, to be sent to the Clerk of Supply.

IV. If it shall appear to the Secretary of State, on Consideration of the Reports made to him, that a Court House or Additions to any existing Court House is or are required, he shall transmit such Representation to the Clerk of Supply of the County, with an Intimation of his Opinion thereon, for the Purpose of being laid before the Commissioners of Supply of the County.

Meeting of Commissioners of Supply to be called and held within One Month after the Receipt of Intimation, and Burghs may send Representatives.

V. Within Fourteen Days after the Receipt of such Intimation, a Special Meeting of the Commissioners of Supply of the County for the Purpose of considering the same, shall be called by Advertisement, stating the Purpose thereof, and signed by the Convener of the County, and inserted once in each of Two successive Weeks in at least One Newspaper published in the County, or if there be no Newspaper published therein, in at least One Newspaper published in an adjoining County, and such Meeting shall be held within One Month after the Receipt of such Intimation from the Secretary of State; and it shall be lawful for the Magistrates of every Royal and Parliamentary Burgh in the County the Lands and Heritages situate in which Burgh are of not less yearly Value than Twenty thousand Pounds, as appearing from the Valuation Rolls, if they see cause, from Time to Time to elect such Number of Persons respectively as is set forth in the Schedule to this Act annexed to be present as their Representatives at the said Meeting, and at all subsequent Meetings of Commissioners of Supply for the Purposes of this Act, and such Persons shall be entitled to be present and to vote at such Meetings in like Manner with the Commissioners of Supply of the County.

Commissioners of Supply may adopt Resolution to proceed or otherwise.

VI. The Commissioners of Supply may at such Meeting resolve to proceed with the Erection of a Court House; or, if it shall appear to them that additional Accommodation is not required at the Time, they may adopt a Resolution to that Effect.

Secretary of State to dispose of Resolution.

VII. The Resolution of such Meeting shall, within Eight Days after the Date thereof, be transmitted by the Clerk of Supply to the Secretary of State; and in the event of a Resolution being adopted that additional Accommodation is not required, the Clerk of Supply shall along with the same transmit any Statement of their Reasons for adopting such Resolution which the Commissioners of Supply or the said Representatives of Burghs may think fit to submit to the Secretary of State; and on considering such Resolution and Statement (if any) it shall be lawful for the Secretary of State to dispose of the same, by deciding that additional Accommodation shall be provided, either by the Erection of a Court House or that additional

additional Accommodation is not required at the Time, as he may think fit.

Decision of Secretary of State to be intimated to the Clerk of Supply.

VIII. The Decision of the Secretary of State shall be intimated to the Clerk of Supply, and in the event of such Decision being to the Effect that additional Accommodation shall be provided, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of such Intimation, to proceed in Terms thereof to obtain Plans and Specifications of a Court House.

Plans and Specifications to be deposited in Sheriff Clerk's Office for Public Inspection.

IX. Such Plans and Specifications shall, after being approved of by the Commissioners of Supply, be deposited in the Sheriff Clerk's Office of the County, and shall there remain for Fourteen Days after the Insertion in a Newspaper published in such County, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County, of a Notice intimating that such Plans and Specifications have been so deposited; and during the said Period of Fourteen Days such Plans and Specifications shall be open to Public Inspection free of Charge.

Plans and Specifications to be approved by the Secretary of State.

X. On the Expiration of the said Period of Fourteen Days, such Plans and Specifications shall be transmitted by the Clerk of Supply to the Secretary of State, who shall either approve of the same, or direct that any Alterations or Additions which he thinks necessary may be made thereon; and any Alterations or Additions directed by the Secretary of State shall be made by the Commissioners of Supply; and such Plans and Specifications shall thereafter be again transmitted by the Clerk of Supply to the Secretary of State, for his Approval.

On Plans and Specifications being approved of, Buildings to be proceeded with.

XI. On such Plans and Specifications being approved of by the Secretary of State, the same shall be returned to the Clerk of Supply; and the same, with an Estimate of the necessary Expense, having been submitted to and approved of by the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of the Plans and Specifications so approved, to proceed to purchase and acquire the Lands required for the Court House, and enter into Contracts, and to do all other Things necessary for carrying into effect the Purposes of this Act; and such Court House shall be erected and completed under the Superintendence of the Commissioners of Supply, or any Committee or Person appointed by them for that Purpose.

8 & 9 Vict. c. 18. incorporated

XII. For facilitating the Purchase of Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," is hereby incorporated with this Act; and the Expression, "the Promoters of the Undertaking" in the said Act shall, for the Purposes of this Act, mean the Commissioners of Supply

Supply of any County in *Scotland*: Provided that nothing in the said Act or in this Act contained shall authorize the Purchase of Lands otherwise than by Agreement.

Court Houses vested in Commissioners of Supply.

XIII. The Court Houses to be erected under the Provisions of this Act, and the Lands, Property, and Effects acquired for the Purposes thereof, shall vest in the Commissioners of Supply of the County in which such Court Houses are erected; and all Dispositions and Conveyances of Lands purchased and acquired under the Authority and for the Purposes of this Act shall be granted and taken to the Commissioners of Supply of such County by that Name, without further Description; and the Court Houses, Property, and Effects, which shall be so vested and acquired, shall be held by and for the Use of the Commissioners of Supply of such County for the Time being, without the Necessity of any continuing Title or Renewal of the Investiture, other than the said Dispositions and Conveyances and this Act; and such Court Houses shall be managed and kept in a proper State of Repair by the Commissioners of Supply of such County, who shall have the Control and Superintendence thereof.

Agreements may be made for Use of Court Houses by other Parties.

XIV. The Commissioners of Supply may make and enter into Agreements and Arrangements for and with respect to the Use of any Court Houses erected under the Provisions of this Act, or any Part thereof, with any Persons or Corporations desiring to use the same, on such Terms and Conditions as may be agreed upon, except on such Days as the said Court Houses are required for the Discharge of the ordinary Civil and Criminal Jurisdiction of the Sheriffs; and any Questions or Differences as to the Use or Disposal of any Court Houses erected or improved under the Provisions of this Act, or any Part thereof, which may arise between the Commissioners of Supply and such Persons or Corporations, or any other Person entitled or claiming to be entitled to the Use of such Court Houses, or any Part thereof, shall be referred to and decided by the Lord Advocate of *Scotland* for the Time being, whose Decision shall be final, and not subject to Review in any Court or by any Process whatsoever.

One Half of Expense of Buildings to be defrayed out of Monies provided by Parliament, and the other Half by Assessment.

XV. On the Completion of any Court House which may be erected or improved under the Provisions of this Act, an Account of the total Expense thereof, including the Purchase of Lands and all incidental Expenses incurred in or with respect to the Erection or Improvement and fitting up and furnishing thereof, certified as correct under the Hands of the Convener and Two Commissioners of Supply of the County, shall be transmitted by the Clerk of Supply to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Receipt of

of such Account and Certificate, to pay One Half of such total Expense to such Commissioners of Supply, or their Treasurer, out of any Monies to be provided by Parliament from Time to Time for that Purpose; and the other Half of such total Expense shall be raised and defrayed by Assessment, as herein provided, on the Lands and Heritages in such County and the Burghs situate therein.

Expenses of Management and Repair to be defrayed out of Monies provided by Parliament.

XVI. The Expense of maintaining, managing, and keeping in repair, and of cleaning, lighting, and warming, the Court Houses to be erected or improved under the Provisions of this Act, including the Salaries or Wages of Porters, Hall Keepers, and other Persons employed therein, and other incidental annual Disbursements, shall be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be from Time to Time provided by Parliament for that Purpose: Provided that the Accounts of all such Expenses shall be transmitted to and certified by the Queen's and Lord Treasurer's Remembrancer, in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Additional Sum may be contributed in Circuit Towns.

XVII. In the event of a Circuit Court of Justiciary being authorized to be held in any Burgh not being now a Circuit Town, it shall be lawful for the Commissioners of Her Majesty's Treasury, out of any Monies to be provided by Parliament from Time to Time for that Purpose, to contribute, towards the Erection of a Court House in such Burgh, over and above the Sums herein-before mentioned, the Amount which it shall appear to the said Commissioners corresponds to any Saving of Public Money thereby effected.

As to Disposal of Court Houses ceasing to be used.

XVIII. In case any Court House, or any Part thereof, not being the Property of private Parties or of the Magistrates and Council of the Burgh in which it is situate, shall cease to be used as such in consequence of other Accommodation having been provided under this Act, the Commissioners of Supply may sell the same for such Price as they may obtain therefor, and convey the same to the Purchaser: Provided always, that when the Building so discontinued forms Part of any Building used for other Purposes, the first Offer of the same shall be made to the Parties having Right to the other Parts of the Building, at such Price as may be agreed on, or, in Case of Disagreement, as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the Price received shall be applied to the Purposes for which an Assessment is authorized by this Act, and in Diminution *pro tanto* of the Sum so to be levied.

Assessments to be im-

XIX. The Assessments for the Purposes of this Act, to be called "The Court House Assessments," shall be imposed and levied

posed on Lands and Heritages.

levied for such Periods as may be necessary by the Commissioners of Supply of every County in which a Court House has been erected or improved under the Provisions of this Act, and the Magistrates of every Burgh situate therein, respectively on all Lands and Heritages situate within such County and Burghs, according to the yearly Rent or Value thereof as established by the Valuation Rolls, and such Commissioners of Supply and Magistrates respectively are hereby empowered and required to impose and levy such Assessments accordingly, and that at such Rate in every Year as such Commissioners of Supply shall deem necessary, in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be required to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years, and the Assessment shall be payable as for the Period from *Whitsunday* in the Year in which the same is imposed to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of such Lands and Heritages; but the Tenant, in the event of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided that such Commissioners of Supply or Magistrates shall not levy any Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies.

Regulations as to Payment of Small Assessments.

XX. In the Case of Lands and Heritages situated within any Burgh, let at a Rent under Four Pounds *per Annum*, or for a less Period than Half a Year, Deduction shall be allowed by the Magistrates of the Assessment for each entire Period of Six Months, from *Whitsunday* to *Martinmas* or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief from Assessment in Cases of Poverty.

XXI. The Commissioners of Supply or the Magistrates, as the Case may be, may, on the Ground of the Poverty of any Person liable in Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as they shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

County of Lanark to be divided into Four Districts for Assessment under this Act.

XXII. The County of *Lanark* shall, for Purposes of Assessment under this Act, be divided into Four separate Districts, namely, the Upper Ward, the Lower Ward, the *Airdrie* District of the Middle Ward, as defined in "The *Airdrie* Rural District Police and *Airdrie* District Court Houses Act (1855)," and

and the *Hamilton* District, comprehending the Remainder of the Middle Ward; and the Court House Assessments under this Act, in respect of the Court Houses and Offices in each of the said Districts, shall be apportioned upon and levied from the landward Part and Burghs within such District only, and shall not affect the other Part of the said County.

Mode of recovering Assessments.

XXIII. The whole Powers and Rights of issuing Summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Assessments by this Act authorized to be imposed and levied, and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant Warrants for the Recovery of such Assessments in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Disputes as to Assessments to be summarily settled.

XXIV. Any Dispute which may arise between the Commissioners of Supply of any County, or the Magistrates of any Burgh, or any Person or Persons acting under them, respectively, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, or of the County in which the Court House is situate in respect of which such Assessment is leviable; and such Sheriff shall, on a written Petition being presented to him by any of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be subject to Appeal or Review in any Court or by any Process whatsoever.

Clauses of 10 & 11 Vict. c. 16. respecting Mortgages incorporated.

XXV. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with this Act; and the Word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of any County in *Scotland*, and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to borrow on Mortgage.

XXVI. It shall be lawful for the Commissioners of Supply of any County to borrow on Bond or Mortgage, for the Purposes of this Act, any Sum not exceeding the Amount specified in the Account and Certificate herein-before mentioned as the total Expense incurred in the Erection or Improvement of any Court

Court House or Offices, under the Provisions of this Act, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by such Commissioners of Supply in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Money so borrowed and Interest thereon; and if after having borrowed the said Sum or any Part thereof such Commissioners of Supply shall pay off the same, otherwise than by means of the Monies received by them from the Commissioners of Her Majesty's Treasury, under the Provisions of this Act, or by means of the Sinking Fund provided for in the said Commissioners Clauses Act, it shall be lawful for them again to borrow the Amount so paid off, either by granting new Mortgages and Assignations in Security therefor, or otherwise, and so from Time to Time as they shall think proper.

Power to borrow on Cash Credit.

XXVII. It shall be lawful for such Commissioners of Supply, in the course of the Erection of any such Court House as aforesaid, to take from any Bank or Banking Company Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of such Commissioners of Supply or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the estimated Expense of the Erection of such Court House, as approved by the Commissioners of Her Majesty's Treasury, or any Part thereof, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by them in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon.

Monies raised, &c. to be applied to Purposes of this Act.

XXVIII. The whole Monies raised or borrowed under the Authority of this Act shall be applied to the Purposes herein specified, and to no other Purpose whatsoever; and separate and distinct Accounts of all Monies received and Payments made under the Authority of this Act shall be kept, made out, audited, and published in the Manner provided by the Police (*Scotland*) Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and the Enactments and Provisions contained in Sections Forty to Forty-seven, both inclusive, of the said Act, with respect to the Appointment and Duties of a Collector of Assessments, and the keeping, making out, auditing, and publishing of Accounts, are hereby incorporated with this Act, and shall be applicable to the Assessments authorized to be levied and the Property to be acquired under the Authority of this

this Act, in the same Manner as if such Enactments and Provisions were herein repeated and re-enacted.

Quorum of Commissioners of Supply.

XXIX. In all Meetings and Proceedings under or with reference to this Act, any Five Commissioners of Supply of any County shall be deemed to be a Quorum, and shall be entitled to exercise all the Powers conferred by this Act; and every Question which may arise at any such Meeting shall be determined by the Votes of the Majority of Commissioners of Supply and Representatives of Burghs present at such Meeting; and where the Votes of those present shall be equal, the Preses of such Meeting shall have a Casting Vote, in addition to his deliberative Vote.

Preses of Meetings.

XXX. In all Meetings of Commissioners of Supply under or with reference to this Act, the Convener of the County, or, in the Absence of the Convener, the Person who may be elected by the Commissioners of Supply and Representatives of Burghs present at such Meeting to act as their Preses, shall be the Preses of such Meeting.

Authentication of Documents relating to the Execution of this Act.

XXXI. For the Purposes of this Act, the Signature of the Convener of the County, or of the Preses of any Meeting of Commissioners of Supply of any County, or of the Chairman of any Committee to be appointed for carrying into effect the Purposes of this Act, adhibited to any Writing or Document, shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole Members of such Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses," shall be good *primâ facie* Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Writing or Document is genuine and authentic.

Actions by or against Commissioners of Supply, how to be brought, and not to abate.

XXXII. All Actions, Suits, or Proceedings with respect to any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners of Supply of any County, shall be in the Name of the Clerk of Supply, or the Collector to be appointed under the Provisions of this Act, for the Time being, as the Party Pursuer or Defender representing such Commissioners of Supply; and no such Action, Suit, or Proceeding wherein such Commissioners of Supply shall be concerned as Pursuers or Defenders, in the Name of the Clerk of Supply or of such Collector, shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in such Commissioners of Supply, but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

SCHEDULE referred to in this Act.

Showing the Number of Members to be elected as Representatives of the several Royal and Parliamentary Burghs entitled to elect Representatives under this Act.

Annual Value of Lands and Heritages not less than	Number of Representatives.
£	
300,000	8
200,000	6
100,000	4
50,000	2
20,000	1

CAP. LXXX.

An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property in Scotland.—[*6th* August 1860.]

23 & 24 Vict. c. 15.

WHEREAS by an Act passed in the present Session of Parliament, Chapter Fifteen, it was enacted, that Money secured on Heritable Property in *Scotland*, and Money secured by *Scotch* Bonds in favour of Heirs and Assignees, excluding Executors, should for the Purposes of the Act be held and interpreted to be Moveable Property, and should be included in any Inventory to be exhibited and recorded in any Commissary Court in *Scotland* of the Estate and Effects of any Person deceased entitled thereto, and in *England* and *Ireland* respectively should be deemed to be Estate and Effects for or in respect whereof any Probate of Will or Letters of Administration should be granted; and that every such Inventory, Probate, and Letters of Administration should be chargeable with Stamp Duty in respect of such Moveable Property; and that such Property and the Value thereof should be included in any Affidavit as therein mentioned, made on applying for Probate or Letters of Administration in respect thereof, in *England* or *Ireland*; and it is expedient that the levying and collecting of the said Duty should be regulated as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Money secured on Heritable Property in Scotland and Scottish Bonds, excluding Executors, to be liable to Inventory Duty.

I. All Money secured on Heritable Property in *Scotland*, and all Money secured by *Scottish* Bonds and other Instruments, excluding Executors, and all Money secured by *Scottish* Bonds and other Instruments the Rights to which shall be taken excluding Executors, constituting the Succession or Part of the Succession of any Person who shall have died on or after the Third Day of *April* in the Year One thousand eight hundred and sixty, shall be liable to Inventory Duty under the said recited Act.

Duty, and Interest thereon, shall be a Debt to Her Majesty, to be payable by Person who shall take Money secured.

II. The said Duty, with Interest thereon at the Rate of Five *per Centum per Annum* from the Expiry of the Period of Six Months after the Death of such deceased Person, shall be a Debt to Her Majesty, and shall be payable by any and every Person who shall take any Money secured as aforesaid, constituting the Succession or Part of the Succession of any Person deceased, and that whether he shall take the same as having a beneficial Interest therein, or as Trustee, or in any other Capacity, and whether he shall have an absolute Right, or only a Liferent or Life Interest, or other limited Right or Interest therein, and whether he shall take the same by Mortis causâ Conveyance, or by special Destination, or by Inheritance.

Stamped special Inventory to be lodged on Oath with the Solicitor of Inland Revenue at Edinburgh

III. The Person or Persons so taking such Money as aforesaid shall, within Six Months next after taking the same or any Part thereof or any Interest due thereon, lodge with the Solicitor of Inland Revenue at *Edinburgh* a full and true Inventory upon Oath or solemn Affirmation, to be called a "Special Inventory," in the Form of the Schedule annexed hereto, of all Money secured as aforesaid, constituting the Succession or Part of the Succession of such deceased Person, such Special Inventory having thereon a Stamp denoting the Duty payable on the Value of such Money secured as aforesaid contained in such Inventory, being the same Rate and Amount of Duty, whether testate or intestate, as the Case may be, which would have been payable as Inventory Duty on Moveable or Personal Estate of the same Value ; and the Oath or Affirmation to the said Special Inventory may be taken before any Magistrate or Justice of the Peace within the United Kingdom or the Colonies, or any *British* Consul ; provided that in all Cases the Duty, together with the Interest and necessary Expenses, upon any Money contained in such Inventory, by whomsoever the same may have been originally paid, shall, in the Absence of any special Agreement or Provision or valid Testamentary Direction

Direction to the contrary, be ultimately borne by the Person or Persons beneficially interested in such Money, and if there shall be more than one Person so interested the Duty shall be borne by them proportionally according to their several and beneficial Interests in the Money on which the Duty has been so paid.

Money so secured may be added to Inventory of Personal or Moveable Estate.

IV. It shall be lawful for the Executor or Executors of the deceased to add the Amount of Money so secured, and the Value thereof, including the Proceeds accrued thereon, as herein-after mentioned, to the Inventory in *Scotland* of the Deceased's Moveable or Personal Estate, and to pay the Stamp Duty on the aggregate Amount, in which Case no Special Inventory or separate Stamp Duty shall be required from the Person or Persons beneficially entitled to the Money so secured; provided that in this Case the Executor or Executors of the Deceased shall make Oath (or, if so privileged, solemn Affirmation,) of the true Amount and Value of the said Money and Proceeds; and the contingent Provision for Return of Duty, herein-after provided for, in regard to the Debts of the Deceased, shall in such Case be applicable *mutatis mutandis*; and farther, in this Case, the Inventory Duty so paid on the aggregate Amount of the Deceased's Moveable or Personal Estate, and of the said Money and Proceeds, shall, in the Absence of any special Agreement or Provision or valid Testamentary Direction to the contrary, be ultimately borne by the Persons beneficially interested proportionally according to their several and beneficial Interests in the aggregate Amount on which the Stamp Duty shall have been so paid, and with Right of Relief accordingly.

As to Return of Duty on the Ground of Debts.

Duty paid on the aggregate Amount to be ultimately borne by the Parties according to their beneficial Interest.

Property for Payment of Inventory Duty shall be valued at the Date of the Affidavit to the Inventory.

V. The Special Inventory provided by this Act, and the Inventory of the Personal Estate of a Deceased, containing also the Property on which Duty is imposed by the recited Act and this Act shall be stamped with Duty according to the Value of the Property contained therein at the Time they shall be respectively sworn to, including the Proceeds accrued thereon down to that Time, and the Duty or deficient Duty according to such Value and Proceeds and Interest thereon, at the Rate of Five *per Centum per Annum*, shall be a Debt due to Her Majesty by the Person making Oath to said Inventories; and it is hereby provided, that the Inventory and additional Inventory of any Person deceased required to be exhibited and recorded in the proper Commissary Court in *Scotland* shall be stamped with Duty according to the Value of the Property contained therein at the Time they shall be respectively sworn to, including the Proceeds accrued thereon down to that Time; and the Duty or deficient Duty according to such Value and Proceeds,

Proceeds, and Interest thereon at the Rate of Five *per Centum per Annum*, shall be a Debt to Her Majesty by the Person making Oath to said Inventory and additional Inventory, and his Heirs and Successors; and if such Inventory and additional Inventory shall not be exhibited and recorded, the Inventory Duty on all the Personal or Moveable Estate and Effects of the Deceased, and Interest thereon at the Rate of Five *per Centum per Annum* from the Expiry of the Period of Six Months after the Death of such deceased Person, shall be payable and shall be a Debt to Her Majesty by the Person who shall intromit with or enter upon the Possession and Management of such Personal or Moveable Estate and Effects, or any Part thereof, and his Heirs and Successors.

Power to grant a Return of Duty under Circumstances herein stated.

VI. The Commissioners of Inland Revenue shall grant a Return of the said Duty, corresponding to a rateable Apportionment of the Amount by which the Debts (in respect of which a Claim for Return of Inventory Duty may be competent) shall be proved to the Satisfaction of the said Commissioners to exceed the Personal Estate of the Deceased, between the Amount of the Money contained in the said Special Inventory and all the other Heritable Property of the Deceased; provided such Return shall be claimed within Three Years from the Date of lodging the Special Inventory.

Intromitters, &c. to be held to have taken Money so secured.

VII. Every Person shall for the Purposes of this Act be held to have taken Money secured as aforesaid who shall have received or intromitted with such Money or any Part thereof, or any Interest due thereon, or who shall have made up a Title thereto.

Money secured on Land by absolute Conveyance, and Adjudication, and otherwise, to fall under the Provisions of the Act.

VIII. Money secured upon Heritable Property by Conveyance *ex facie* absolute, and Money secured by Adjudication when the Right of Reversion has not expired, and all Money secured in any other Way upon Heritable Property, shall be subject to the Provisions of the recited Act and this Act: Provided always, that nothing therein and herein contained shall be held to apply to Feu Duties or to other permanent periodical Payments which are made a Real Burden upon Land, where Payment of a Capital Sum of Money is not thereby secured.

Recited Act repealed to a certain Extent.

IX. The said recited Act is hereby repealed, in so far as it provides that in *England* and *Ireland* the said Money shall be deemed Estate and Effects for and in respect of which Probate and Letters of Administration shall be granted, and shall be included in the Affidavit made on applying for Probate or Letters of Administration in *England* and *Ireland*.

SCHE-

SCHEDULE.

SPECIAL Inventory of the Money secured on Heritable Property in Scotland, and Money secured by Scotch Bonds, &c., excluding Executors, belonging to [*Name and Description of Deceased*], who died at on the Day of 18 for Payment of the Duty imposed by the Act 23 & 24 Victoria, Cap. 80.

	£	s.	d.
I. Bond and Disposition in Security dated granted by in favour of the Deceased, over Lands in the County of [*Fife*] [*or* Houses in the City of (*Edinburgh,*) *&c. If Deceased acquired Right by Assignation, &c., describe Title.*]			
II. Interest thereof from the Day of to the Day of			
III. Bond dated , granted by in favour of the Deceased, excluding Executors [*If the Deceased's Right is by Assignation, &c., describe Right*] . .			
IV. Interest thereon as above . . .			

AT the Day of One thousand eight hundred and , in Presence of Esquire, One of the Magistrates for the City of [*Edinburgh*] [*or* Justice of the Peace, *or* British Consul],

Appeared who, being solemnly sworn and examined, depones, that [*Name and Description of Deceased*] died at on the Day of ; that the Deponent has Right to the above Subjects [*or* Part of the above Subjects, *or* to the Liferent of the above Subjects, *&c.*] as Heir of the Deceased [*or* as Legatee, *or* as One of the Trustees of the Deceased, *&c.*]; that the Deponent knows of no Settlement or other Writing left by the Deceased relative to the Disposal of his Personal Estate or Effects or any Part thereof [*or* that the Deponent does not know of any Settlement or Writing relative to the Disposal of the Deceased's Personal Estate or Effects or any Part thereof, other than a general Disposition and Deed of Settlement dated the

the Day of registered in the Books of Council and Session on the Day of]; that the foregoing Inventory, each Page of which is signed by the Deponent as relative hereto, is a full and complete special Inventory of all the Money or Property belonging to the Deceased, and Proceeds thereof, liable to the Duty imposed by the Acts 23 Vict. Cap. 15. and 23 & 24 Vict. Cap. 80. [*this Act*], in so far as the same has come to the Deponent's Knowledge; and that the said Property is of the Value of Pounds, and under the Value of Pounds. All which is Truth, as the Deponent shall answer to God.

CAP. LXXXI.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.—[6*th* August 1860.]

CAP. LXXXII.

An Act to amend the Provisions of "The Common Law Procedure (Ireland) *Act Amendment* (1853)." —[6*th* August 1860.]

CAP. LXXXIII.

An Act to explain an Act of the Eighteenth and Nineteenth Years of Her present Majesty enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.—[6*th* August 1860.]

CAP. LXXXIV.

An Act for preventing the Adulteration of Articles of Food or Drink.—[6*th* August 1860.]

WHEREAS the Practice of adulterating Articles of Food and Drink for Sale, in fraud of Her Majesty's Subjects and to the great Hurt of their Health, requires to be repressed by

by more effectual Laws than those which are now in force for that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty on Persons selling Articles of Food or Drink knowing the same to be injurious to Health.

I. Every Person who shall sell any Article of Food or Drink with which, to the Knowledge of such Person, any Ingredient or Material injurious to the Health of Persons eating or drinking such Article has been mixed, and every Person who shall sell as pure or unadulterated any Article of Food or Drink which is adulterated or not pure, shall for every such Offence, on a Summary Conviction of the same before Two Justices of the Peace at Petty Sessions in *England*, and in *Scotland* before Two Justices of the Peace in Justice of the Peace Court, or before the Sheriff Substitute of the County, or before Justices at Petty Sessions or a Divisional Justice in *Ireland*, forfeit and pay a Penalty not exceeding Five Pounds together with such Costs attending such Conviction as to the said Justices shall seem reasonable; and if any Person so convicted shall afterwards commit the like Offence it shall be lawful for such Justices to cause such Offender's Name, Place of Abode, and Offence to be published, at the Expense of such Offender, in such Newspaper or in such other Manner as to such Justices shall seem desirable.

As to subsequent Offences.

Power to appoint Analysts.

II. In the City of *London* and the Liberties thereof the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in all other Parts of the Metropolis the Vestries and District Boards acting in execution of the Act for the better Local Management of the Metropolis in *England* and *Ireland*, the Court of Quarter Sessions of every County, and the Town Council of every Borough having a separate Court of Quarter Sessions, and in *Scotland* the Commissioners of Supply at their Ordinary Meetings for Counties and Town Councils within their several Jurisdictions, may, from Time to Time for their respective City, Districts, Counties or Boroughs, appoint and remove One or more Persons possessing competent medical, chemical, and microscopical Knowledge as Analysts of all Articles of Food and Drink purchased within the said City, Metropolitan Districts, Counties or Boroughs, and may pay to such Analysts such Salary or Allowances as they may think fit; but such Appointments and Removals shall at all Times be subject in *Great Britain* to the Approval of One of Her Majesty's Principal Secretaries of State, and in *Ireland* to that of the Lord Lieutenant.

III. On the Hearing by the Justices of any Complaint under this

this Act in any District, County, or Borough wherein any Analyst shall have been appointed, the Purchaser shall prove to the Satisfaction of such Justices that the Seller of the Article of Food or Drink alleged to be adulterated, or his Servants, had such Notice of the Intention of the Purchaser to have such Article analysed, and also such Opportunity of accompanying the Purchaser to an Analyst appointed by this Act, as the Justices shall think reasonable, in order to secure such Article from being tampered with by the Purchaser. Protection against Articles of Food and Drink being tampered with by Purchaser.

IV. Any Purchaser of any Article of Food or Drink in any District, County, City, or Borough where there is any Analyst appointed under this Act shall be entitled, on Payment to the Analyst of a Sum not less than Two Shillings and Sixpence nor more than Ten Shillings and Sixpence, to have any such Article analysed by any Analyst who may be appointed for such District, County, City, or Borough, and to receive from such Analyst a Certificate of the Result of his Analysis, specifying whether in his Opinion such Article is adulterated, and also whether it is so adulterated as to be injurious to the Health of Persons eating or drinking the same; and such Certificate duly signed by such Analyst shall, in the Absence of any Evidence to the contrary, be sufficient Evidence before the Justices or in any Court of Justice of the Matters therein certified, and the Sum so directed to be paid for such Certificate shall be deemed Part of the Costs. Power to Purchasers of Articles of Food and Drink to have them analysed. Certificate of Analyst made Evidence.

V. The Justices before whom any Complaint may be made under this Act may, in their Discretion, cause any Article of Food or Drink to be examined and analysed by such skilled Person as they may appoint for that Purpose, who may be required to give Evidence of the same at the Hearing of the Case; and the Expense thereof, and of such Examination and Analysis, if not paid by the Complainant or Party complained against, shall be deemed Part of the Expenses of executing this Act, but nevertheless such Expense may be ordered by such Justices to be paid by the Party so complaining or complained against, as they shall think proper. Power to Justices to have Articles of Food and Drink analysed.

VI. Any Person who has been convicted of any Offence punishable by this Act by any Justices may appeal to the next General or Quarter Sessions of the Peace which shall be held for the City, County, Town, or Place wherein such Judgment or Conviction shall have been made, or in the Case of the Conviction having been before a Sheriff Substitute in *Scotland*, then the Appeal shall be to the Sheriff of the County, provided that such Person enter into a Recognizance within Two Days next after such Conviction, with Two sufficient Sureties, conditioned to try such Appeal, and to be forthcoming to abide the Appeal to Quarter Sessions.

the Judgment and Determination of the Court at such General or Quarter Sessions, or Sheriff, and to pay such Costs as shall be by such Court awarded; and the Justices before whom such Conviction shall be had are hereby empowered and required to take such Recognizance; and the Court at such General or Quarter Sessions, or Sheriff, are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and may award such Costs to the Party appealing or appealed against as they shall think proper.

Where Conviction within Six Days of Quarter Sessions Time allowed for Appeal.

VII. If any such Conviction or Judgment or Order of Forfeiture shall happen to be made within Six Days before any General or Quarter Sessions of the Peace shall be held for the City, County, Town or Place wherein such Conviction shall have been made, the Person who shall think himself aggrieved by any such Conviction may, on entering into a Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or Quarter Sessions of the Peace which shall be held for any such City, County, Town, or Place wherein any such Conviction shall have been made, on giving Six Days Notice to the Complainant of his Intention to appeal.

Persons convicted of selling adulterated patented Article may have a Case stated for Opinion of Superior Court.

VIII. Any Person who shall have been convicted by any Justices or Sheriff Substitute of any Offence punishable by this Act, in respect of the selling of any Article of Food or Drink which shall have been manufactured according to any Process patented before the passing of this Act, either by the Patentee or Owner of the Patent, or by any Person carrying on his Business or otherwise claiming under him during the Continuance of such Patent, may, instead of appealing to the General or Quarter Sessions of the Peace or Sheriff of the County, apply in Writing within Five Days after such Conviction to the Justices or Sheriff Substitute, to state and sign a Case for the Opinion of One of the Superior Courts of Law thereon, in like Manner as under the Statute of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, he might have applied to the Justices to state and sign a Case, and thereupon all such Proceedings shall take place upon and in relation to such Application, and all such Provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the Provisions of the said last-mentioned Act; and in *Scotland*, for the Purposes of such Appeal, the Justices or Sheriff Substitute may state and sign a Case for the Opinion of the Court of Session, in like Manner as the Justices in *England* and *Ireland* may, for the Opinion of the Superior Courts of Law under the said Act, and the Court of Session shall have in relation thereto the like Powers as the Superior

Superior Courts have under the said Act, and all the other Provisions of the said Act shall be applicable to such Appeals.

Procedure in Cases under this Act.

IX. In *England* the Provisions in the Nuisances Removal Act for *England*, 1855, as to Procedure, and the Provisions of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace and of Session within* England *and Wales with respect to summary Convictions and Orders*, and in *Scotland* the ordinary Rules regulating the Procedure of Justices of the Peace, so far as the same are respectively applicable, shall extend and apply to Cases arising under this Act in *England* or *Scotland;* and all Monies arising from Penalties under this Act in any County, City, District, or Borough where there are Analysts appointed under this Act shall, when paid or recovered, be paid in *England* and *Ireland* to the Vestry, District Board, Commissioners, County Treasurer, or Town Council for such County, City, District, or Borough respectively, to be applied for the general Purposes of such Vestry, District Board, Commissioners, County, City, or Borough respectively, and to the Collector of Rogue Money for each County in *Scotland*.

Application of Monies.

Proceedings in Ireland as to Complaints, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

X. All Proceedings under this Act in *Ireland* as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, and as to the Applications of Fines, Amerciaments, and forfeited Recognizances imposed or levied under this Act at Petty Sessions, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed at any of the Divisional Police Offices of *Dublin* Metropolis, or by the Justices in any Corporate Town, under the Provisions of this Act, such Fines and Penalties shall be paid over to the same Purposes and appropriated and applied in the same Manner as is now by Law authorized in respect of Fines and Penalties imposed at such Divisional Police Offices, or by the Justices in any such Corporate Town respectively.

Appeal to Quarter Sessions.

XI. In *Ireland* any Person who has been convicted of any Offence punishable by this Act may appeal to the next Court of Quarter Sessions to be held in the same Division of the County

County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions where the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner, and with such Notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Acts respectively as to making Appeals and as to executing the Orders made on Appeal, or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

As to Expenses of executing Act.

XII. The expense of executing this Act shall be borne, in the City of *London* and the Liberties thereof, out of the Consolidated Rates raised by the Commissioners of Sewers of the City of *London* and the Liberties thereof, in the rest of the Metropolis out of any Rates or Funds applicable to the Purposes of the Act for the Better Local Management of the Metropolis, and in Counties out of the County Rate, and in Boroughs out of the Borough Fund, or out of the Rogue Money in Counties in *Scotland*.

Indictment or other Remedy not affected.

XIII. Nothing in this Act contained shall be held to affect the Power of proceeding by Indictment, or to take away any other Remedy against any Offender under this Act.

Interpretation of Terms.

XIV. In the Construction of this Act the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines, but this Act shall not be construed so as to affect the ordinary Reduction of the Strength of Foreign, *British*, or Colonial Spirits by Persons licensed and paying Duties under the Excise.

CAP. LXXXV.

An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in Scotland.—[*6th* August 1860.]

WHEREAS it is expedient to alter and amend the Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and the Act passed in the Eighteenth Year of the same Reign, intituled *An Act to make further Provision for the Registration of Births, Deaths, and Marriages in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 80. 18 & 19 Vict. c. 29.

I. Sections Eighteen, Nineteen, Forty-two, and Fifty-four of the first-recited Act, and Section One of the second-recited Act, are hereby repealed. Certain Sections of recited Acts repealed.

II. It shall be competent for any Person on Payment of a Fee of Five Shillings to register in a Book to be kept for the Purpose in the General Registry Office, to be called "The Register of Neglected Entries," any Birth, Death, or Marriage which shall have taken place in *Scotland* between the Thirty-first Day of *December* One thousand eight hundred and the First Day of *January* One thousand eight hundred and fifty-five: Provided always, that in order to such Registration there shall be produced to the Registrar General a Warrant to that Effect by the Sheriff of the County in which such Birth, Death, or Marriage occurred, to be granted upon a Petition, of which Intimation, by Advertisement or otherwise, shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Petition, and which Warrant, and all written Documents produced to such Sheriff, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office: Provided also, that a Copy of the Entry of any neglected Birth, Death, Register of Neglected Entries.

Death, or Marriage which occurred subsequent to the Year One thousand eight hundred and nineteen shall be made and transmitted from the General Registry Office to the Registrar of the Parish or District in which such neglected Birth, Death, or Marriage occurred, and shall by him be recorded in such Form and Manner as the Registrar General may direct.

Correction of Errors in Registers kept prior to 1st January 1855.

III. If any Error shall be discovered in an Entry relative to a Birth, Death, or Marriage, in any Register kept and in use prior to the passing of the first-recited Act, which shall have taken place in *Scotland* after the Thirty-first Day of *December* One thousand eight hundred, it shall be lawful for the Sheriff of the County wherein the said Register is kept, upon the Application of any Person having Interest, of which Application such Intimation shall be made as the Sheriff may direct, and upon Production of such Evidence, written or parole, as the Sheriff shall deem satisfactory, to authorize the Registrar General (or the Registrar in whose Custody such Register may be at the Time) to correct the same in such Form and Manner as the Sheriff may direct: Provided that no Part of the original Entry shall be obliterated, and that the Warrant of the Sheriff authorizing the Correction and all written Documents produced to him, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office.

Provisions in Sects. 2. and 3. of 17 & 18 Vict. c. 80. repealed with reference to Salaries of Registrar General and Secretary.

IV. The Provisions in the Second and Third Sections of the first-recited Act with reference to the Salaries of the Registrar General and the Secretary to the Registrar General are hereby repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the Registrar General such Salary as that the Amount thereof and of the Salary received by him as Depute Clerk Register shall not together exceed the Sum of One thousand pounds *per Annum*, and to pay to the Secretary to the Registrar General such Salary, not exceeding Five hundred pounds *per Annum*, as shall from Time to Time be fixed by the said Commissioners, and such Salaries shall be paid out of any Monies to be voted by Parliament for that Purpose.

Landward and Burghal Parts of Parishes may be united.

V. It shall be lawful for the Sheriff, if he shall think it expedient upon a joint Application of the Parochial Board of any Parish, and of the Town Council of any Burgh situated within such Parish, or upon the Application of the Registrar General, to unite such Burgh or any Portion thereof to any Landward Part of such Parish, or to unite any Landward Part of such Parish to such Burgh or any Portion thereof, and also

to

to regulate and determine any Questions which may arise as to the Assessments to be levied for Registration Purposes upon such Burghs or Portions of Burghs, and upon such Landward Parts of such Parishes respectively, and all Questions as to the Right to elect a Registrar for such united Districts; and it shall also be lawful for the Sheriff to regulate and determine all Questions which may arise as to such Assessment, or such Right of Election, in the Case of all Unions which shall already have been effected under the Provisions of the First Section of the second-recited Act herein-before repealed; and the Decision of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever.

All existing Parochial Registers before 1820 to be transmitted to Registrar General, and after 1820 till 1855 to Parish Registrar.

VI. All existing Parochial Registers of Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five, shall, as far as regards such Registers made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General for Preservation in the General Registry Office at *Edinburgh*, and, as far as regards such Registers from the Year One thousand eight hundred and twenty inclusive to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall have been appointed Registrar of the Parish under the first-recited Act; and where any Parish shall be divided, such last-mentioned Registers shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers are at the Time of the Division; and the Registrar to whom such Registers shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory, and a general Abstract of each such Index, shall be transmitted by him to the Registrar General for Preservation in the General Registry Office; and the Registers from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted under the Direction of the Sheriff to the Registrar General for Preservation as aforesaid; and all such Registers, and the original Inventories, Indexes, and general Abstracts, and the authenticated Copies thereof,

thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies or Extracts of Entries taken therefrom, at all reasonable Times by any Person upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under the first-recited Act: Provided always, that in all Cases it shall be lawful for the Sheriff, if he shall think fit, upon a Representation to that Effect, to direct that the original Burial Registers shall remain in the Custody of the Kirk Session to whom they belong, Copies of the same being furnished to the Registrar General.

Sessional Record to be restored to the Kirk Session of the Parish.

VII. If any of the Parochial Registers referred to shall be found to contain Entries relating to Sessional or other Matters, as well as Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, such Entries shall be separated from the rest of the Register, under the Direction of the Registrar General, for the Purpose of being bound and delivered over to the Kirk Session of the Parish to which the Register pertains; and where it shall be impossible to effect such Separation in consequence of the Sessional or other Matter being intermixed with the Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, the whole of the Register shall remain with the Registrar General, or the Registrar of the Parish, as the Case may be: Provided, that it shall be lawful to the Kirk Session or any One acting under its Authority to have Access to and to make Copies of such Sessional or other Matter without Payment of Fees: Provided also, that where the Portion falling to be delivered to the Kirk Session shall happen to contain any Entries from which the Occurrence of a Birth or Baptism, Death or Burial, or Marriage or Proclamation of Banns may be proved, it shall be lawful for the Registrar General to cause Copies of such Entries to be made for the Purpose of this and the first-recited Act, and the Cost of making such Copies shall be defrayed in the Manner prescribed by the Fifth Section of the said first-recited Act.

Provision as to Fire-proof Safes and Offices.

VIII. With reference to the Twenty-second Section of the first-recited Act, it shall be lawful for the Sheriff, on the Receipt of a written Application to that Effect from the Registrar General, to direct that a Fire-proof Safe or other Place of Deposit shall be provided in any Parish, District, or Burgh, for the due Custody of the Registers and other Documents connected with Registration, by the Parochial Board, Heritors, or Town Council of the Parish, District, or Burgh to which such Registers pertain; and the Cost of such Safe or other Place of Deposit shall be included under the Assessment authorized

authorized to be levied by the Fiftieth Section of the first-recited Act; and further, it shall be lawful for the Parochial Board, Heritors, or Town Council of any Parish, District or Burgh, where they shall consider it expedient, to include under the aforesaid Assessment such Sums as may be required for the Provision and Maintenance of a suitable Office for the Use of the Registrar; provided that such Office shall be situated within such Parish, District, or Burgh.

Provision in Sect. 25. of 17 & 18 Vict. c. 80. as to annual Publication of Lists of Registrars and Assistants repealed.

IX. The latter Portion of the Twenty-fifth Section of the first-recited Act, with reference to the annual Publication by the Sheriff of a List of Registrars and Assistant Registrars, is hereby repealed: Provided that all Elections of Registrars shall be intimated to the Sheriff as well as to the Registrar General, in the Manner prescribed by the Twelfth Section of the first-recited Act, and that due Intimation shall be made by the Sheriff of all newly appointed Registrars in such Form as he may consider expedient.

Register of Births, Deaths, and Marriages of Scottish Subjects occurring in Foreign Countries.

X. The Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall have taken place in any Foreign Country since the passing of the first-recited Act, if intimated to the Registrar General within Twelve Months after the passing of this Act, and the Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall take place in any Foreign Country, if intimated to the Registrar General within Twelve Months after the Date thereof, in accordance, as near as may be, with the Forms prescribed in Schedules (A.), (B.), and (C.) respectively to the first-recited Act annexed, and duly certified by the British Consul of the Country or District within which such Birth, Death, or Marriage shall have taken place, shall be entered in a Book to be kept for the Purpose in the General Registry Office, to be called "The Foreign Register;" and all such Intimations shall be filed, and the relative Entries verified by the Signature of the Registrar General.

Provision in Sect. 31. of 17 & 18 Vict. c. 80. as to the Signature of the Register by the Sheriff repealed.

XI. So much of the Thirty-first Section of the first-recited Act as requires the Signature of the Sheriff in the Register of Births, in the Cases therein referred to, is hereby repealed; and in lieu thereof the Signature of the District Examiner, appointed under the Provisions of the Third Section of the second-recited Act, shall be sufficient: Provided always, that in all such Cases, before the Examiner adhibits his Signature to the Register, the Registrar shall produce the written authority of the Sheriff for making the Registration, which shall be transmitted along with the Duplicate Registers to the Registrar General: Provided also, that the Entry of any Birth, which shall have been registered upwards of Three Months after

after its Occurrence, if signed by such Examiner, shall be admissible in Evidence to prove such Birth, anything in the said Section to the contrary notwithstanding.

Mode of reckoning the Period of "Six Months" referred to in Sects. 32. and 33. of 17 & 18 Vict. c. 80.

XII. Whereas Doubts have arisen as to the Mode of reckoning the Period of "Six Months," referred to in the Thirty-second and Thirty-third Sections of the first-recited Act: It is hereby declared, That unless a Certificate, in the Form of Schedules (D. or (E. to the said Act annexed, is presented to the Registrar within Six Months after the Registration of the Birth to which such Certificate relates, it shall not be lawful for the Registrar to record the Baptismal or other Name, without the written Authority of the Sheriff endorsed upon such Certificate.

Additions and Alterations to be inserted in the Register of Corrected Entries.

XIII. The Additions and Alterations directed and authorized by the recited Acts to be made in the Duplicate Registers, instead of being given Effect to in the Manner therein prescribed, shall be inserted in the Register of Corrected Entries, referred to in the Sixty-third Section of the first-recited Act, in such Form and Manner as the Registrar General may direct.

Medical Attendant to transmit Certificate of Death to the Registrar within Seven Days.

XIV. The Medical Certificate referred to in the Forty-first Section of the first-recited Act shall be transmitted by the Medical Person to the Registrar within Seven Days after the Death of the Person to whom it relates, instead of within Fourteen Days thereafter: Provided that in case such Certificate shall not be so transmitted, the Registrar shall transmit to such Medical Person a Form of the Certificate prescribed by the said Act, and by a written or printed Requisition, under his Hand, shall require such Medical Person forthwith to return to the Registrar such Certificate duly filled up in Terms of the said Act; and such Certificate so filled up shall be so returned within Three Days after the Receipt thereof by such Medical Person.

Provisions in Sects. 46. and 52. of 17 & 18 Vict. c. 80. as to Schedule (C.) repealed.

XV. So much of the Forty-sixth Section of the first-recited Act as provides for a copy of Schedule (C.) to the said Act annexed being given out along with the Certificate of Proclamation of Banns, and so much of the Fifty-second Section of the said Act as requires the Registrars to furnish Copies of the said Schedule to Session Clerks, are hereby repealed: Provided that in every Case of regular Marriage a Copy of the said Schedule shall, upon Production of the Certificate of Proclamation of Banns, be procured by the Parties contracting the Marriage, previous to its Solemnization, from the Registrar of the Parish or District within which such Marriage is intended to be solemnized, who shall be bound, as far as possible, to fill up the said Schedule.

XVI. So

XVI. So much of the Fiftieth Section of the first-recited Act as requires the Examination and Verification by the Sheriff of the Registrar's half-yearly Accounts of Registrations is hereby repealed; and in lieu thereof it shall be lawful for the Parochial Board or Heritors by whom the relative Assessment is levied, to take such Proceedings as may be deemed expedient for the Purpose of ascertaining the Correctness of such Accounts. Alteration of Sect. 50. of 17 & 18 Vict. c. 80. as to Verification of Registrar's Accounts of Registrations.

XVII. It shall be lawful for the Registrar to include in his half-yearly Accounts of Registrations the Expense attending the Postage or Carriage of all letters or Packets, and all other necessary Disbursements relating exclusively to the Execution of his Office, and for all such Expenses he shall be repaid out of the Assessment authorized to be levied by the Fiftieth Section of the first-recited Act; and the necessary Expense incurred in the Correction of an Error under the Provisions of the Sixty-third Section of the first-recited Act, where such Expenses are not paid by the Party or Parties through whose Fault such Error was committed, and where such Error was not committed through the Registrar's own Carelessness, shall be defrayed by the Parochial Board, and shall be included under the aforesaid Assessment: Provided that it shall be lawful for the Parochial Board to recover such Expenses from the Party or Parties through whose Fault the said Error was committed: Provided also, that where any Search or Extract shall be required by or on behalf of a Pauper, the Registrar shall be entitled to include the Cost thereof in the Account which he is required to render to the Parochial Board under the Fiftieth Section of the Act first before recited. Provision as to Payment of Registrar's Postages, &c.

XVIII. If any Registrar shall represent to the Registrar General that his Remuneration under the Provisions of the Fiftieth Section of the first-recited Act is inadequate, the Registrar General may require the Parochial Board to increase the Sum payable to the Registrar to such Amount as the Registrar General considers necessary; and in the event of the Parochial Board delaying or refusing to pay such increased Remuneration, it shall be lawful for the Registrar General to make a summary Application to the Sheriff, who shall, after hearing Parties and making such Inquiry as he thinks fit, determine both the Expediency of any such Increase, and the Amount thereof; and all Expenses incurred in and with respect to such Application shall be paid by the Parochial Board, or the Registrar, as the Sheriff may determine; and the Decision of the Sheriff in all such Applications, both on the Merits and as to Expenses, shall be final and not subject to Review in any Court or by any Process whatsoever. As to Remuneration of Registrar.

XIX. It

Clerical Errors in the Duplicate Registers may be corrected by the District Examiners.

XIX. It shall be lawful for the District Examiners, appointed under the Provisions of the second-recited Act, to correct all such clerical Errors as may be discovered at the periodical Examination of the Duplicate Registers, subject to such Rules and Regulations as may be made by the Registrar General, with the Approbation of One of Her Majesty's Principal Secretaries of State.

Commencement of Act.

XX. This Act shall commence and take effect from and after the passing thereof, with the Exception of Sections Eleven, Thirteen, and Nineteen, and so much of Section One as provides for the Repeal of Sections Forty-two and Fifty-four of the first-recited Act, which shall not take effect till the First Day of *January* One thousand eight hundred and sixty-one; and the recited Acts, excepting in so far as altered by this Act, shall remain in full Force and Effect; and this Act shall be deemed a Part of the recited Acts, and shall be read and construed therewith as if the Three Acts formed One Act.

CAP. LXXXVI.

An Act to make Provision respecting the Marriages of British *Subjects in the* Ionian Islands.—[6*th* August 1860.]

CAP. LXXXVII.

An Act to remove Doubts as to the Authority of the Senior Member of the Council of the Governor General of India *in the Absence of the President.*—[13*th* August 1860.]

CAP. LXXXVIII.

An Act to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India.—[13*th* August 1860.]

12 & 13 Vict. c. 96.

WHEREAS an Act was passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-six, "to provide for the Prosecution and Trial "in

"in Her Majesty's Colonies of Offences committed within the "Jurisdiction of the Admiralty," and by such Act it was provided, that for the Purposes thereof the Word "Colony" should mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except the United Kingdom and the Islands of *Man, Guernsey, Jersey, Alderney*, and *Sark*, and the Islands adjacent thereto respectively, and except also all such Parts and Places as were under the Government of the *East India* Company: And whereas it is expedient that the Provisions of the said Act should extend to all Parts and Places heretofore under the Government of the *East India* Company in like Manner as to other Colonial and Foreign Possessions of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of the recited Act to extend to India.

I. So much of the said Act as excepts the Parts and Places then under the Government of the *East India* Company, from the Interpretation of the Word "Colony" shall be repealed, and for the Purposes of the said Act the Word "Colony" therein shall include and apply to every Part and Place heretofore under the Government of the *East India* Company, or which may be under the Government of Her Majesty in *India*, and all the Provisions of the said Act shall be construed and take effect accordingly.

Provision for Persons entitled to be tried by the Supreme Court of a Presidency.

II. Provided always, That where any Person within any Place in *India* is charged with the Commission of any Offence in respect of which Jurisdiction is given by the said Act, or where any Person charged with the Commission of any such Offence is brought for Trial under the said Act to any Place in *India*, if at any Time before his Trial he make it appear to the Court exercising Criminal Jurisdiction in the Place where he is so charged or brought for Trial, that in case the Offence charged had been committed in such Place he could have been tried only in the Supreme Court of One of the Three Presidencies in *India*, and claim to be tried by such a Supreme Court accordingly, the said Court exercising Criminal Jurisdiction as aforesaid shall certify the Fact and Claim to the Governor of such Place or chief Local Authority thereof, and such Governor or chief Local Authority thereupon shall order and cause the Person charged to be sent in Custody to such One of the Presidencies as such Governor shall think fit for Trial before the Supreme Court of such Presidency, and the said Supreme Court and all public Officers and other Persons in the Presidency shall have the same Jurisdiction and Authorities, and proceed

proceed in the same Manner in relation to the Person charged with such Offence, as if the same had been committed or originally charged to have been committed within the Limits of the ordinary Jurisdiction of such Supreme Court.

CAP. LXXXIX.

An Act to extend in certain Cases the Provisions of the Superannuation Act, 1859.—[13*th* August 1860.]

WHEREAS it is expedient that Provision should be made for the Grant of Superannuation Allowances to Persons who may have served both in the Office of the Secretary of State for *India*, and likewise in the permanent Civil Service of the State, within the Meaning of Section Seventeen of the Superannuation Act, 1859: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Superannuation Act, 1859, to extend to Cases of Joint Service in the Office of Secretary of State for India, and in the permanent Civil Service.

I. Whenever any Person shall have been transferred from any Situation or Employment in the permanent Civil Service entitling him to Superannuation Allowance under the Superannuation Act, 1859, to any Situation or Employment in the Office of the Secretary of State for *India*, entitling him to Superannuation Allowance under Section Eighteen of the "Act "for the better Government of *India*," Twenty-one and Twenty-two *Victoria*, Chapter One hundred and six, or whenever any Person shall have been transferred from any such last-mentioned to any such first-mentioned Situation or Employment, such Person shall be entitled to Superannuation Allowance calculated on his whole Service according to the Provisions of the Superannuation Act aforesaid, and such Allowance shall be paid out of the Revenues of *India* and out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of Monies voted by Parliament, in such Portions respectively as shall have been earned by such Person in the respective Services aforesaid.

CAP. XC.

An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes.—[13*th* August 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act the respective Duties of Assessed Taxes now payable under the several Acts of Parliament in that Behalf in respect of Certificates to kill Game in *Great Britain*, and to deal in Game in *England*, and all the Provisions, Rules, and Directions for assessing, charging, and collecting any of the said Duties contained in Schedule (L.) of the Act passed in the Fifty-second Year of King *George* the Third, Chapter Ninety-three, and also the Duties now payable in *Ireland* under the Act passed in the Fifty-sixth Year of King *George* the Third, Chapter Fifty-six, in respect of every Certificate of having registered a Deputation as a Gamekeeper, and in respect of every Certificate to authorize any Person, not being a Gamekeeper, to kill Game in *Ireland*, and also the Nineteenth and Twentieth Sections of the Act passed in the First and Second Years of King *William* the Fourth, Chapter Thirty-two, shall respectively cease and determine, and the same are hereby repealed, except as to any Arrears of the said Duties respectively, and as to any Penalties incurred before the Commencement of this Act.

After passing of this Act the Duties in respect of Certificates to kill and deal in Game as contained in 52 G. 3. c. 93., Schedule (L.), 56 G. 3. c. 56., and 1 & 2 W. 4. c. 32. repealed.

II. In lieu of the Duties hereby repealed there shall be granted, charged, and paid for and upon the several Licences and Certificates to take or kill Game, and Licences to deal in Game herein-after mentioned, the respective Duties or Sums of Money herein-after expressed or denoted; (that is to say,)

In lieu of Duties repealed, the Duties herein-named to be levied.

	£	s.	d.
For a Licence in *Great Britain* or a Certificate in Ireland to be taken out by every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or any Woodcock, Snipe, Quail, or Landrail,			

	£	s.	d.
Landrail, or any Conies, or any Deer, or shall take or kill by any Means whatever or shall assist in any Manner in the taking or killing by any Means whatever of any Game, or any Woodcock, Snipe, Quail, or Landrail, or any Coney, or any Deer:			
If such Licence or Certificate shall be taken out after the Fifth Day of *April* and before the First Day of *November*,			
To expire on the Fifth Day of *April* in the following Year . . .	3	0	0
To expire on the Thirty-first Day of *October* in the same Year in which the Licence or Certificate shall be taken out . .	2	0	0
If such Licence or Certificate shall be taken out on or after the First Day of *November*,			
To expire on the Fifth Day of *April* following	2	0	0
Provided always, That any Person having the Right to kill Game on any Lands in *England* or *Scotland* shall be entitled to take out a Licence to authorize any Servant for whom he shall be chargeable to the Duty of Assessed Taxes as a Gamekeeper, to kill Game upon the same Lands, upon Payment of the Duty of .	2	0	0
And for every Licence to deal in Game in *England*, *Scotland*, or *Ireland*, to be granted under this Act	2	0	0

Duties granted to be Excise Duties under the Commissioners of Inland Revenue.

III. The Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be deemed to be Excise Duties, and all the Powers, Provisions, Clauses, Regulations, and Directions contained in any Act relating to Excise Duties or to Penalties under Excise Acts, and now or hereafter in force, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Penalties hereby imposed, so far as the same are or may be applicable, and shall be observed, applied, and enforced for and in the collecting, securing, and recovering of the said Duties and Penalties hereby granted and imposed respectively, and otherwise in relation thereto, so far as the same shall be consistent with and not superseded by the express Provisions of this Act, as fully and effectually as if the same had been herein repeated and specially enacted in this Act with reference to the said last-mentioned Duties and Penalties respectively.

IV. Every Person before he shall in *Great Britain* take, kill, or

or pursue, or aid or assist in any Manner in the taking, killing, or pursuing by any Means whatever, or use any Dog, Gun, Net, or other Engine for the Purpose of taking, killing, or pursuing any Game, or any Woodcock, Snipe, Quail, or Landrail, or any Coney, or any Deer, shall take out a proper Licence to kill Game under this Act, and pay the Duty hereby made payable thereon; and if any Person shall do any such Act as herein-before mentioned in *Great Britain* without having duly taken out and having in force such Licence as aforesaid, he shall forfeit the Sum of Twenty Pounds. Licence to be taken out for taking or killing Game in Great Britain. Penalty for Neglect.

V. The following Exceptions and Exemptions from the Duties and Provisions of this Act are hereby made and granted; (that is to say,) Exceptions and Exemptions.

Exceptions.

1. The taking of Woodcocks and Snipes with Nets or Springes in *Great Britain.*
2. The taking or destroying of Conies in *Great Britain* by the Proprietor of any Warren or of any inclosed Ground whatever, or by the Tenant of Lands, either by himself or by his Direction or Permission.
3. The pursuing and killing of Hares respectively by coursing with Greyhounds, or by hunting with Beagles or other Hounds.
4. The pursuing and killing of Deer by hunting with Hounds.
5. The taking and killing of Deer in any inclosed Lands by the Owner or Occupier of such Lands, or by his Direction or Permission.

Exemptions.

1. Any of the Royal Family.
2. Any Person appointed a Gamekeeper on behalf of Her Majesty by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Authority of any Act of Parliament relating to the Land Revenues of the Crown.
3. Any Person aiding or assisting in the taking or killing of any Game, or any Woodcock, Snipe, Quail, Landrail, or Coney, or any Deer, in the Company or Presence and for the Use of another Person who shall have duly obtained, according to the Directions of this Act, and in his own Right, a Licence to kill Game, and who shall by virtue of such Licence then and there use his own Dog, Gun, Net, or other Engine for the taking or killing of such Game, Woodcock, Snipe, Quail, Landrail,

rail, Coney, or Deer, and who shall not act therein by virtue of any Deputation or Appointment.

4. And, as regards the killing of Hares only, all Persons who, under the Provisions of the Two several Acts, 11th and 12th *Victoria*, Chapter 29 and Chapter 30 respectively, are authorized to kill Hares in *England* and *Scotland* respectively, without obtaining an annual Game Certificate.

Nothing herein to alter 11 & 12 Vict. cc. 29. and 30., except that "Game Certificate" in said Acts, and also in 1 & 2 W. 4. c. 32., shall be read as "Licence to kill Game."

VI. Provided always that nothing herein contained shall extend to repeal, alter, or affect any of the Provisions of the said Two several Acts of the Eleventh and Twelfth Years of Her Majesty, Chapter Twenty-nine and Chapter Thirty, further than that the Term "Game Certificate" in the said Acts respectively used shall be construed to mean a Licence to kill Game under the Provisions of this Act, and shall be so read accordingly; and that the Term "Game Certificate" used in the Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-two, shall be construed and read in like Manner; and that wherever in the said last-mentioned Act the Duty of Three Pounds Thirteen Shillings and Sixpence on a Game Certificate is mentioned the Duty of Three Pounds on a Licence to kill Game shall be read in lieu.

Licences may be taken out on behalf of Assessed Servants acting as Gamekeepers for Persons having Right to kill Game, or under Deputations from Lords of Manors.

VII. Any Person having the Right to kill Game on any Lands in *England* or *Scotland*, and being charged or liable to be charged to the Assessed Tax on Servants in respect of any Gamekeeper, by whomsoever deputed or appointed, and whether deputed or appointed or not, and any Person granting a Deputation or Appointment in *Great Britain* to the Servant of any other Person who shall be duly charged to the Assessed Tax on Servants in respect of such Servant, whether as Gamekeeper or in any other Capacity, with Power and Authority to take or kill any Game, shall respectively be at liberty to take out a Licence to kill Game on behalf of any such Servant, on Payment of the Duty of Two Pounds for the Year ending on the Fifth Day of *April*, and such Licence shall exempt the Servant named therein during his Continuance in the same Capacity and Service, and on his quitting such Service shall also exempt any Servant who shall succeed him in the same Service and Capacity, or who shall succeed to the Deputation of the same Manor or Royalty or Lands within the Year for which the Licence is granted, during the Remainder of such Year; and no such Servant on whose behalf a Licence shall have been duly obtained as aforesaid shall be required to obtain a Licence for himself, or be liable to any Penalty by reason of not obtaining a Licence in his own Name.

VIII. Every such Licence to kill Game taken out on behalf of

of any such Servant as aforesaid shall, upon the Revocation of any such Deputation or Appointment, or on his quitting the Service of the Master by whom such Licence shall have been taken out, be from thenceforth of no further Effect as to the Person named therein as such Servant, or so deputed or appointed as aforesaid; but if within the Year for which such Licence was granted the said Master, on the quitting of such Servant, shall employ another Servant as Gamekeeper in his Stead, or the Person by whom such Deputation or Appointment was made shall on the Revocation thereof make a new Deputation or Appointment to any Person in his Service, or in the Service of the same Master by whom such Licence shall have been taken out, and who shall have been charged or be chargeable to the said Assessed Tax on Servants as aforesaid, the Officer by whom such Licence was granted, or the proper Officer appointed by the Commissioners in that Behalf, shall renew such Licence for the Remainder of that Year, on behalf of the fresh Servant or the Person so newly appointed, as the Case may be, without Payment of any further Duty, by indorsing on such Licence the Name and Place of Abode of the said last-mentioned Servant, or the Person to whom such last-mentioned Deputation or Appointment shall have been granted, and declaring the same to be a renewed Licence free of Duty.

On Change of Gamekeeper, or Revocation of Deputation, Licence may be continued to Successor.

IX. Provided always, That no such Licence taken out for or on behalf of any Person, being such Servant or acting under a Deputation or Appointment as aforesaid, shall be available for such Person in any Suit or Prosecution where Proof shall be given of his doing or having done any Act for which a Licence is required under this Act on Land on which his Master had not a Right to kill Game.

Such Licences not available for Acts done out of Limits of the Manor or Lands for which the Parties are appointed Gamekeepers.

X. If any Person shall be discovered doing any Act whatever in *Great Britain* in respect whereof a Licence to kill Game is required under this Act, by any Officer of Inland Revenue, or by any Lord or Gamekeeper of the Manor, Royalty, or Lands wherein such Person shall then be, or by any Person having duly taken out a proper Licence to kill Game under this Act, or by the Owner, Landlord, Lessee, or Occupier of the Land on which such Person shall then be, it shall be lawful for such Officer or other Person aforesaid to demand and require from the Person so acting the Production of a Licence to kill Game issued to him; and the Person so acting is hereby required to produce such Licence to the Person so demanding the Production thereof, and to permit him to read the same, and (if he shall think fit) to take a Copy thereof or of any Part thereof; or in case no such Licence shall be produced to the Person demanding the same as aforesaid, then it shall be

Persons doing any Act requiring a Licence to kill Game, to produce the same, on Demand, or declare their Names, Places of Residence, &c.

be lawful for the Person having made such Demand to require the Person so acting forthwith to declare to him his Christian and Surname and Place of Residence, and the Place at which he shall have taken out such Licence; and if such Person shall, after such Demand made, wilfully refuse to produce and show a Licence to kill Game issued to him, or in default thereof as aforesaid to give to the Person so demanding the same his Christian and Surname and Place of Residence, and the Place at which he shall have taken out such Licence, or if he shall produce any false or fictitious Licence, or give any false or fictitious Name or Place, or if he shall refuse to permit any Licence which he may produce to be read, or a Copy thereof or of any Part thereof to be taken, he shall forfeit the Sum of Twenty Pounds.

Penalty for Refusal.

Licence to be void if Party be convicted of any Offence under 1 & 2 W. 4. c. 32. or 2 & 3 W. 4. c. 68.

XI. If any Person, having obtained a Licence to kill Game under this Act, shall be convicted of any Offence under Section Thirty of the said Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-two, or under the Act of the Second and Third Years of King *William* the Fourth, Chapter Sixty-eight, the said Licence shall thenceforth be null and void.

Commissioners to publish Lists of Persons licensed to kill Game.

XII. The Commissioners of Inland Revenue shall, when and as they shall see fit, cause Lists of the Names and Residences of the several Persons to or for whom Licences to kill Game have been granted under this Act to be inserted in such Newspapers or published in such other Manner as to them shall seem proper, distinguishing in such Lists the Persons acting under any Deputation, Appointment, or Authority from others, and the Manors, Royalties, or Lands for which Deputations, Appointments, or Authorities have been granted, and also distinguishing the Rate of Duty paid for such Licences.

Provisions of 1 & 2 W. 4. c. 32. and 2 & 3 Vict. c. 35., relating to Licences to deal in Game to be in force throughout the United Kingdom.

XIII. All the Clauses and Provisions of the Two several Acts passed respectively in the First and Second Years of King *William* the Fourth, Chapter Thirty-two, and the Second and Third Years of Her present Majesty, Chapter Thirty-five, relating to the granting of Licences by Justices of the Peace to deal in Game, and to the holding of Special Sessions by such Justices in their respective Divisions or Districts for the Purpose of granting such Licences, and also all the Clauses, Provisions, and Penalties contained in the said Acts or either of them relating to Dealers in Game, and to the selling of Game, either by or to such Dealers or others, shall, so far as the same are consistent with the express Provisions of this Act, and as the same are altered or amended by this Act, extend to and be of full Force and Effect in and throughout the whole of the United Kingdom, and shall be observed, applied, and enforced as if the same,

same, so altered or amended and made consistent with the express Provisions of this Act, had been herein repeated and specially enacted: Provided always, that no Person shall be authorized to sell Game to any licensed Dealer unless he shall have taken out a Three Pound Licence under this Act.

Persons licensed by the Justices to deal in Game, to pay for and obtain a Licence under this Act.

XIV. Every Person who shall have obtained any Licence to deal in Game from the Justices of the Peace, under the Provisions of the said Two several Acts in the preceding Clause mentioned, shall annually, and during the Continuance of such Licence, and before he shall be empowered to deal in Game under such Licence, obtain a further Licence to deal in Game under this Act, on Payment of the Duty hereby charged thereon, and if any Person obtaining a Licence from the said Justices as aforesaid shall purchase or sell or otherwise deal in Game before he shall obtain a Licence to deal in Game under the Provisions of this Act, he shall forfeit the Sum of Twenty Pounds.

Licences to deal in Game under this Act to be granted only to those who have obtained Licences from the Justices.

List of Persons licensed to be kept for Inspection.

XV. Provided always, That no Licence to deal in Game shall be granted under the Provisions of this Act to any Person, except upon the Production of a Licence for the like Purpose duly granted to him by the Justices of the Peace, as aforesaid, and then in force; and every Officer appointed or authorized to grant Licences to deal in Game under this Act shall in each Year make out a List, to be kept in his Possession, containing the Name and Place of Abode of every Person to whom he shall have granted or issued a Licence to deal in Game under this Act, and such Officer shall at all seasonable Hours produce such List to any Person making Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling.

By whom Licences shall be granted, and Form thereof.

XVI. All Licences and Certificates to kill Game and to deal in Game respectively, under the Provisions of this Act, shall be in such Form as the Commissioners of Inland Revenue shall from Time to Time provide in that Behalf, and shall denote the Amount of Duty charged thereon respectively, and shall be granted, signed, and issued at the Chief Office of Inland Revenue in *London, Edinburgh,* and *Dublin* respectively, and by the several Supervisors of Excise in their respective Districts, or by such other Officers of Inland Revenue and at such Places as the said Commissioners shall think fit to employ and appoint respectively in that Behalf; and every such Licence shall contain the proper Christian and Surname and Place of Residence of the Person to whom the same shall be granted, with any other Particulars which the Commissioners of Inland Revenue may direct to be inserted therein, and shall be dated on the Day when the same was actually issued, and shall have Effect and

Duration and Expiration of Licences.

and be in force upon the Day of the issuing thereof, and shall expire on the Day therein mentioned for the Termination thereof.

5 & 6 Vict. c. 81. relating to Game Certificates in Ireland to continue in force.

XVII. All the Clauses, Powers, Provisions, and Regulations, Pains and Penalties, contained in or imposed by the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Eighty-one, relating to Certificates to kill Game in *Ireland*, shall be of full Force and Effect and shall be applied in *Ireland* to the Certificates to be granted under this Act and the Duties hereby imposed thereon, as fully and effectually as if the same were herein repeated and specially enacted in reference to such last-mentioned Certificates and Duties.

Licences and Certificates to be available throughout the United Kingdom.

XVIII. Every Licence and Certificate to kill Game taken out respectively in *Great Britain* and *Ireland* under this Act, by or on behalf of any Person in his own Right, and not as a Gamekeeper or Servant, shall be available for the killing of Game in any Part of the United Kingdom.

7 & 8 G. 4. c. 49. repealed.

XIX. The Act passed in the Seventh and Eighth Years of King *George* the Fourth, Chapter Forty-nine, intituled *An Act to exempt Persons who have procured Game Certificates in* Great Britain *from the Duty on Game Certificates in* Ireland, *and to authorize the Persons who have paid Duties on Game Certificates in* Ireland *to kill Game in* Great Britain, *upon paying the additional Duty only*, shall be and the same is hereby repealed.

CAP. XCI.

An Act for removing Doubts respecting the Craven *Scholarships in the University of* Oxford, *and for enabling the University to retain the Custody of certain Testamentary Documents.*—[13*th* August 1860.]

CAP. XCII.

An Act to amend the Law relative to the Scottish *Herring Fisheries.*—[13*th* August 1860.]

48 G. 3. c. 110. 51 G. 3. c. 101.

WHEREAS the following Acts were passed for the Encouragement and Regulation of the *British* White Herring Fishery; that is to say, the Acts Forty-eighth *George* the Third, Chapter One hundred and ten; Fifty-first *George* the

the Third, Chapter One hundred and one; Fifty-second *George* the Third, Chapter One hundred and fifty-three; Fifty-fourth *George* the Third, Chapter One hundred and two; Fifty-fifth *George* the Third, Chapter Ninety-four; First *George* the Fourth, Chapter One hundred and three; First and Second *George* the Fourth, Chapter Seventy-nine; Fifth *George* the Fourth, Chapter Sixty-four; Seventh *George* the Fourth, Chapter Thirty-four; First *William* the Fourth, Chapter Fifty-four; Sixth and Seventh *Victoria*, Chapter Seventy-nine; Tenth and Eleventh *Victoria*, Chapter Ninety-one; and Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six: And whereas it is expedient that the recited Acts should be amended, and that further Provision should be made for carrying into effect the Purposes thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

52 G. 3. c. 153. 54 G. 3. c. 102. 55 G. 3. c. 94. 1 G. 4. c. 103. 1 & 2 G. 4. c. 79. 5 G. 4. c. 64. 7 G. 4. c. 34. 1 W. 4. c. 54. 6 & 7 Vict. c. 79. 10 & 11 Vict. c. 91. 14 & 15 Vict. c. 26.

I. This Act may be cited for all Purposes as "The Herring Fisheries (*Scotland*) Act, 1860." Short Title.

II. The following Words in this Act shall have the several Meanings hereby assigned to them: Interpretation of Terms.

The Words "the Commissioners" shall mean the Commissioners of the *British* White Herring Fishery:

The Word "Superintendent" shall mean and include the Naval Superintendent appointed under the Authority of the recited Acts or any of them, and the Superintendent or Superintendents appointed under the Authority of this Act:

The Words "Officer of the Fishery" shall mean an Officer of the *British* White Herring Fishery appointed under the Authority of the recited Acts or any of them, or this Act:

The Words "the Coasts of *Scotland*" shall mean and include all Bays, Estuaries, Arms of the Sea, and all tidal Waters within the Distance of Three Miles from the Mainland or adjacent Islands.

III. The Commissioners may from Time to Time, subject to the Approval of the Commissioners of Her Majesty's Treasury, appoint any Person or Persons to be Superintendent or Superintendents of the Fishery; and every Superintendent so appointed shall have and be entitled to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under and in virtue of the recited Acts or any of them, or this Act, by the Naval Superintendent, or by the Officers of the Fishery appointed by the Commissioners of Her Majesty's Treasury, Commissioners may appoint Superintendents of the Fishery.

Treasury, under the Authority of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, except the superintending of the curing of Herrings, and the branding of Barrels containing the same; and every Person who resists or obstructs any Superintendent in the Execution of the Duties of his Office shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days.

Commissioners may fix Periods during which the Herring Fishing may not be carried on.

IV. It shall not be lawful to take or fish for Herrings or Herring Fry on the West Coasts of *Scotland*, between the Points of *Ardnamurchan* on the North and the *Mull of Galloway* on the South, at any Time between the First Day of *January* and the Thirty-first Day of *May* inclusive in any Year, nor between *Cape Wrath* on the North and the said Point of *Ardnamurchan* on the South at any time between the First Day of *January* and the Twentieth Day of *May* inclusive in any Year, and the Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, fix the Periods, if any, during which it shall not be lawful to take or fish for Herrings within any other Limits or Locality on the Coasts of *Scotland*; and every Person who takes or fishes for Herrings or Herring Fry in breach or contravention of the above Enactment or of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence: and all Nets used for taking or fishing for Herrings in breach or contravention of the above Enactment or of any such Regulations may be seized by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under this Act, and shall be forfeited.

Commissioners may make Regulations for the Management and Protection of the Herring Fisheries, and Preservation of Order.

V. The Commissioners may from Time to Time make such Regulations as they think fit for the more effectual Government, Management, and Protection of the Herring Fisheries on the Coasts of *Scotland*, and for the Preservation of Order among the Persons engaged therein; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to have his Boat detained by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence.

Commissioners may pro-

VI. The Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations

gulations to be made by them from Time to Time, prohibit on the Coasts of *Scotland*, and within such Limits and for such Periods as they may think fit, the Use of any Trawl, Drag, or Beam Net which, in the Opinion of the said Commissioners, is injurious to the Spawn of Herring, or otherwise to the Herring Fishery; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence: Provided that this Provision shall not in any way affect any of the Prohibitions or Requirements of any of the recited Acts, in so far as relates to fishing for Herrings.

Prohibit the Use of Trawl, Beam, and Drag Nets.

VII. The Commissioners may from Time to Time rescind, alter, or amend any Regulation or Regulations made by them under the Authority of this Act.

Commissioners may rescind Regulations, &c.

VIII. All Regulations made by the Commissioners under the Authority of this Act shall, before taking effect, be submitted to and approved by the Commissioners of Her Majesty's Treasury, and shall thereafter be published by printed Copies thereof being posted up in conspicuous Positions near the Harbours or other Places frequented by Fishermen in the Districts or Places to which the Regulations shall apply, and by printed Copies thereof being deposited with every Officer of the Fishery in such Districts or Places, and in the Office of the Sheriff Clerk of the County, and also by Advertisement inserted in some Newspaper published or circulated in such Districts or Places, either setting forth such Regulations in full, or intimating that such Regulations have been made and that Copies thereof are lodged with the Officers of the Fishery as aforesaid, all in such Manner as the Commissioners shall direct; and on such Regulations being so published it shall not be any Defence against Proceedings for the Enforcement of any Penalty or Forfeiture incurred by any Breach or Contravention thereof, that the Person charged with such Breach or Contravention was ignorant of such Regulations: Provided that such Regulations shall be so published at least Two Weeks before taking effect; and a printed Copy of any Regulation signed by the Secretary of the Commissioners for the Time being shall be Evidence of the Terms of such Regulation, and that the same has been duly published, reserving to any Person having Interest the Right to prove that the same was not so published.

Regulations to be approved by the Lords of the Treasury, and to be published.

IX. Every Person committing any Breach or Contravention of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, shall for each Offence be liable to a Penalty of not less than Five and not exceeding

Penalty under Sect. 6. of 14 & 15 Vict. c. 26. declared.

exceeding Twenty Pounds for every such Offence, and every Net used in contravention of the said Act shall be forfeited.

Nets and Fishing Implements when found to be delivered to the Commissioners or their Secretary, and, unless liable to Forfeiture, to be restored to the Owners, or if not claimed to be sold.

X. All Nets, Buoys, Floats, or other Fishing Implements or Apparatus whatsoever, abandoned and found by or delivered to the Superintendent or any Officer of the Fishery, shall be held subject to the Orders and at the Disposal of the Commissioners or their Secretary, and shall, unless the same are liable to Forfeiture under the Provisions of the recited Acts or any of them, or of this Act, be restored to the Owner thereof or his Representatives, on Evidence being produced of his or their Right thereto: Provided that if the same shall not be claimed and Evidence of the Right thereto produced by the Person claiming the same within the Space of One Year, such Nets or other Implements shall, if not liable to Forfeiture as aforesaid, be sold by Public Auction by the Commissioners, and the Price thereof, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury.

Fishing Boats and Implements of Fishing to be marked and numbered, and if not marked and numbered, may be seized and detained.

XI. All Fishing Boats used for the Purpose of fishing for Herrings on the Coasts of *Scotland*, and the Sails and Buoys and principal Floats of each Net, and all other Implements of Fishery belonging to such Boats, shall be marked in such Manner as the Commissioners may direct by Regulations made and published as herein mentioned; and every such Boat, Sail, Buoy, Net, or other Implement of Fishery which shall not be so marked and numbered as aforesaid may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be detained for such Period not exceeding One Month as the Superintendent shall determine.

Sect. 46. of 48 G. 3. c. 110. repealed, and Names of Owners to be painted on Boats.

If Names not painted on Boats they shall be detained.

XII. The Forty-sixth Section of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, is hereby repealed; and from and after the passing of this Act the Owner of every Boat which shall be employed in the Herring Fishery shall paint, or cause to be painted in a distinct and legible Manner upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length, on a Black Ground, the Name of the Owner of the Boat, and the Port or Place to which she belongs; and every Boat employed in the Herring Fishery on which such names as aforesaid shall not be painted in manner before directed shall be detained for a Period not exceeding One Month, and may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act.

XIII. For

XIII. For the Purposes of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, the Herring Fishery shall be held to be carried on whenever Herrings are being caught, and every Net, other than Drift Nets, which, in the Opinion of such Commissioners, may be used for the Purpose of taking Herrings in contravention of the said Act, shall during the whole Time of such Herring Fishery be removed and laid aside, or shall be liable to be seized and forfeited, and the Owner thereof to be proceeded against accordingly; and the finding of any such other Net in any open Place, and not removed and laid aside as aforesaid, shall be held *primâ facie* Evidence of the Purpose of the Possessor of such Net to use the same in contravention of the Provisions of the recited Acts, or of this Act; and unless such Possessor shall prove to the Satisfaction of the Sheriff, Justice or Justices of the Peace, or Magistrate, before whom he may be prosecuted, that such Net was not intended to be used for any such unlawful Purpose, such Net shall be forfeited and destroyed, and the Possessor thereof shall be liable in the Penalty imposed by the Sixth Section of the said Act; and, in addition to any Superintendent or Person acting under his Orders, or any Officer of the Fishery, every Constable or Officer of the Police of any County or Burgh acting under the Authority and Orders of the Sheriff or any Justice of the Peace or Magistrate of such County or Burgh shall, for the Purpose of enforcing the Provisions of the Sixth Section of the said Act, have within such County or Burgh the Power to seize any such Net in order to the Condemnation and Forfeiture thereof; and on the Requisition of any Superintendent or other Officer of the Fishery, any Constable or Officer of Police shall be entitled to assist and co-operate with him or them in the Execution of this Act.

Nets other than Drift Nets to be laid aside during Fishery, and if not laid aside may be seized and forfeited.

XIV. It shall be lawful for the Superintendent or any Officer of the Fishery, or for the Procurator Fiscal of any County or Burgh, to apply by Petition in the Form of Schedule (A.) to this Act annexed, or as nearly so as may be, to any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction in such County or Burgh, to grant Warrant to search for and seize any Net or other Fishing apparatus prohibited by or used or intended to be used in contravention of any of the recited Acts or this Act; and any Forfeiture or Penalty imposed by or incurred under the Provisions of the recited Acts or any of them, or of this Act, may be sued for, or enforced, and recovered, with Expenses, in the Form and Manner directed or provided by the recited Acts or any of them, or by Petition or Complaint presented by or in the Name of the Secretary

Mode of enforcing Fines, Forfeitures, and Penalties.

Secretary of the Commissioners for the Time being, or the Superintendent or any Officer of the Fishery or any Procurator Fiscal within the County or Burgh where the Offence has been committed or is to be tried, or at the Instance of any Person or Persons who may prosecute the same, to the Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction as herein-after provided; and where Proceedings are so taken by Petition or Complaint the same may be served by any Officer of the Law or any Officer of the Fishery; and it shall be lawful for the Sheriff, Justice, or Magistrate to summon the Person complained of to appear personally at any Time or Place to be named in the Summons; and if such Person shall not appear accordingly then (upon Proof of the due Service of the Summons by delivering a Copy thereof to such Person, or at his usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate), either to proceed to hear and determine the Case in the Absence of such person or to issue his or their Warrant for apprehending and bringing such Person before him or them, as the Case may be, or if satisfied from Information on Oath that such Person is likely to abscond to issue such Warrant in the first instance without any previous Summons, and the Person in whose Name such Petition or Complaint shall be presented shall be entitled to and have the Benefit of all the Privileges, Protections, and Provisions given and conferred by any Act or Acts to or for Officers of the Customs and Excise on the Occasion of their acting in the Execution of their respective Offices, as to any Action or Suit or any Matter relating thereto; and all Penalties imposed and recovered under the Provisions of the recited Acts or any of them, or of this Act, shall be appropriated and disposed of in terms of the Act Forty-eighth *George* the Third, Chapter One hundred and ten.

Judges who may try Offences, and Mode of Enforcement of Orders and Sentences.

XV. It shall be competent to try all Offences under the recited Acts or any of them, or this Act, before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place where the Offence was committed, or where the Offender resides or is found, or if Offenders charged with the same Offence reside within different Jurisdictions, then before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place, or within the County or Burgh, where any One of such Offenders resides or is found; and all Orders or Warrants of Service or Citation, Judgments, Sentences, Convictions, or other Warrants of Execution, may be served or enforced upon or against any Offender, or his Goods or Effects, or any Witness, in any other County, Burgh, or Place where such Offender or Witness

Witness resides or is found, or where the Goods and Effects of any Offender are found, as well as in the County, Burgh, or Place where the same are issued, provided the same be endorsed by the Sheriff or a Justice of the Peace or Magistrate of such other County, Burgh, or Place; and such Endorsation shall be sufficient Authority to the Sheriff Officers or Constables of both Jurisdictions respectively to put such Orders, Warrants, Judgments, Sentences, Convictions, or other Warrants into execution within such other County, Burgh, or Place.

Jurisdiction where Offence committed on the Coasts.

XVI. Where any Offence under the recited Acts or any of them, or this Act, shall be committed on the Coasts of *Scotland*, such Offence shall be held to have been committed within the County or either of the Counties next adjacent to the Place where such Offence was committed.

Petitions, Orders, and Sentences may be in a Summary Form as in Schedule (B.)

XVII. Any Petition or Complaint, and Proceedings following thereon, before the Sheriff or Justices of the Peace or Magistrates before whom any Person or Persons shall be complained of or proceeded against for any Offence under the Provisions of the recited Acts or any of them, or of this Act, and the Orders, Warrants, Judgments, Sentences, and Convictions therein, may be in a Summary Form, and may be printed or written, or partly printed and partly written, and may be in the Form of Schedule (B.) to this Act annexed, or as nearly so as may be; and the same, or Extracts thereof, signed by the Clerk of Court, shall be sufficient Authority to any Officer of the Law or Officer of the Fishery to serve such Petition or Complaint, and to any Officer of the Law to enforce such Orders, Warrants, Judgments, Sentences, and Convictions; and the same or Extracts thereof shall be endorsed as hereinbefore provided, if they are to be enforced in any other Jurisdiction than that in which they were issued: Provided that all Citations to Offenders shall be served at least Six Days previous to the Day of Trial therein specified.

No Record of Evidence necessary, and Proceedings not to be quashed or reviewed.

XVIII. It shall not be necessary to have any written Record of Evidence in any Petition or Complaint or Proceedings under the Provisions of the recited Acts or any of them, or of this Act; and such Petitions or Complaints, and the Orders, Warrants, Judgments, Sentences, Convictions, and Proceedings therein, shall not be quashed or vacated for Want of Form, and shall not be subject to Appeal or Review in any Court, or by any Process whatsoever except as herein-after provided.

Appeal.

XIX. It shall be lawful for any Person who shall have been found liable to any Penalty under the Provisions of any of the recited Acts or of this Act, in case such Penalty shall not be

of

of less Amount than Ten Pounds, within Two Days of such Conviction, to require the Judge before whom he shall have been tried, or the presiding Judge if more than One, to state in Writing the material Facts of the Case, proved in Evidence at the Trial, and any Circumstances which such Judge may deem to be important with reference to the Sentence pronounced; and the Judge shall thereafter authenticate such Statement with his Signature, and deliver the same to the Defender or his Agent, and the Defender may thereupon appeal to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing heritable Jurisdiction in *Scotland*, with this variation, that such Person shall, in place of finding Caution in the Terms prescribed by this Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal.

Boats, Nets, &c. forfeited may be sold or destroyed.

As to Proceeds in Case of Sale.

XX. All Boats, Nets, Buoys, Floats, or other Fishing Implements or Apparatus which shall be forfeited under the Provisions of the recited Acts or any of them, or of this Act, or of any Regulation to be made by the Commissioners as herein provided, may be either sold by Public Auction, or destroyed by the Commissioners, as they shall think fit; and in Cases of Sale the Proceeds, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury, or, if the Magistrate declaring the Forfeiture shall so direct, One Half thereof shall be paid to the Captor or Informer.

Judge may grant Warrant of Imprisonment, failing payment of or Security for Penalty and Expenses.

XXI. It shall be lawful for any Sheriff or Justices of the Peace or Magistrates who shall try any Petition or Complaint under the Provisions of the recited Acts, or any of them, or of this Act, and who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty or Expenses, to grant Warrant (failing Payment of the Penalty or Expenses so decerned for, or Security therefor being found to the Satisfaction of the Clerk of Court) for the Recovery of such Penalty and Expenses by Poinding and Imprisonment, and for imprisoning such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses be sooner paid; and such Warrant may be carried into execution by the Imprisonment of the Offender in any Prison within the Jurisdiction where

where the same was issued, or, after such Warrant is endorsed as herein provided, in any Prison within any other Jurisdiction where he may be found.

Persons found committing Offences may be apprehended.

XXII. Any Person found in the Act of committing any Offence in contravention of the Provisions of the recited Acts or any of them, or of this Act, and refusing, when required by any Officer of the Fishery or any Officer of Police, to state his Name and Place of Residence, may be apprehended and brought before any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction, who shall forthwith examine and discharge or commit such Person until Caution *De judicio sisti* be found, as the Case may require: Provided that such Person shall not be detained more than Twenty-four Hours without the Warrant of a Sheriff, Justice of the Peace, or Magistrate for such Detention.

Her Majesty may appoint Five additional Commissioners.

XXIII. It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Seal appointed to be kept and used in *Scotland* instead of the Great Seal thereof, to nominate and appoint any Number of Persons, not exceeding Five, to be Commissioners of the *British* White Herring Fishery, in addition to the Commissioners appointed under the recited Acts of the Forty-eighth and Fifty-fifth *George* the Third and Tenth and Eleventh *Victoria*, and the other Acts before recited.

Limitation of Actions.

XXIV. No Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act or the recited Acts, unless the same shall be commenced within Six Months after such Offence shall have been committed.

Regulations to be laid before Parliament.

XXV. All Regulations made by the Commissioners under the authority of this Act shall, so soon as the same have been approved by the Commissioners of Her Majesty's Treasury, be laid before both Houses of Parliament forthwith, if Parliament be then sitting, or, if Parliament be not then sitting, immediately on the assembling of the then next Session of Parliament.

Act not to apply to Ireland or the Isle of Man.

XXVI. Nothing in this Act contained shall be held or construed to apply to Fishing on the Coasts of *Ireland* or the *Isle of Man*.

SCHE-

SCHEDULE (A.)

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That the Complainer has good Reason to believe that a Net [*or Nets or other fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or the Acts therein recited, or one or other of the said Acts, is situate and to be found [*describe the Place*].

May it therefore please your to grant Warrant to search for and seize the said Net [*or other fishing Apparatus*]. to be dealt with in terms of the said Acts or any of them.

WARRANT [*to be endorsed on Complaint*].

[*Place and Date.*]

Grants Warrant as craved.

(Signed) *A.B.*, Sheriff.
Justice of the Peace.
Magistrate.

SCHEDULE (B.)

FORMS OF PROCEEDINGS.

COMPLAINT.

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That *C.D.* has been guilty of a Contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act or Acts*] therein recited, or of one or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*],

mitted], whereby the said *C.D.* has incurred the Forfeiture [*or* Penalty] of , provided by the Section [*or* Sections] of the said Act [*or* Acts].

May it therefore please your to grant Warrant to summon the said *C.D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts or one or other of them.

According to Justice, &c.

[*Signed by Complainer or Informer.*]

WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C.D.* complained of to compear before [*Sheriff, Justices of the Peace,* or *Magistrate and Place and Time,*] and that by serving the said *C.D.* with a Copy of the foregoing Complaint and of this Deliverance; and also grants Warrant for citing Witnesses at the instance of both Parties, to attend at the same Place and Time.

[*Sheriff, Justice of Peace, or Magistrate.*]

SENTENCE.

[*Place and Date.*]

The [*Sheriff, Justices of the Peace,* or *Magistrate*], in respect of the Evidence adduced [*or* of the judicial Confession of the said *C.D., as the Case may be*], convicts the said *C.D.* of the Offence charged, and decerns and adjudges him to forfeit and pay to the Complainer the Sum of of Penalty, with the Sum of of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof [*or as the Case may be*] to be paid and accounted for by him to the Commissioners of Her Majesty's Treasury; and failing Payment by the said *C.D.* forthwith* grants Warrant for Recovery of the said Penalty and Expenses by Poinding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C.D.* in the Prison of until such Return be reported.

* [*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of the Sheriff,*

Justices of the Peace, or *Magistrate, say here*, "and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrants to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

SENTENCE OF FORFEITURE.

The [*Sheriff, Justice of the Peace*, or *Magistrate*] in respect of the Evidence adduced [*or* of the Judicial Confession of the said *C.D.*, *as the Case may be*], finds that a Net [*or Nets or other Fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act*] therein recited, has been forfeited in Terms of the said Act or Acts, and declares the same to be forfeited accordingly [and further, *if the Magistrate see Cause*, appoints One Half of the Proceeds thereof, when sold, to be paid to *E.F.*, the Captor *or* Informer.]

WARRANT OF IMPRISONMENT.

To be granted in Case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace*, or *Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid and decerns.

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace*, or *Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C.D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C.D.*, and decerns.

CAP. XCIII.

An Act to amend and further extend the Acts for the Commutation of Tithes in England *and* Wales.—[13*th* August 1860.]

CAP. XCIV.

An Act to amend the Laws relating to the Militia.—[13*th* August 1860.]

WHEREAS it is expedient to amend the Laws relating to the Militia as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to unite Portions of Militias of Two or more Counties to form an Artillery Corps.

I. It shall be lawful for Her Majesty, by Order signified by One of the Principal Secretaries of State, and in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Order signed by his or their Chief Secretary or Under Secretary, from Time to Time to direct the respective Lord Lieutenants to unite such Portions of the Militia of Two or more Counties, Ridings, Divisions, or Places in *Great Britain* as may be specified in such Order, and to form such united Portions into a Corps of Militia Artillery, and to direct what Number of Officers, and of what respective Ranks, shall be appointed to such united Corps, and what shall constitute the Staff thereof, and what Officers shall be appointed by the several Lord Lieutenants respectively, and to direct in which of the several Counties, Ridings, Divisions, or Places the Arms, Accoutrements, Clothing, and other Stores belonging to the united Corps shall be kept, and by the same or any other Order to determine (as regards *England*) the Number of Justices to be elected on behalf of each County, Riding, Division, or Place, for forming a Committee for providing and maintaining the Storehouse in which such Arms, Accoutrements, Clothing, and other Stores are to be kept.

Appointment of Committee for providing

II. Where any such United Corps of Militia Artillery is formed in *England* the Justices of every County, Riding, Division, or Place from which such united Corps is formed shall, at the General or Quarter Sessions next after the said Order

Storehouse for united Militia Artillery Corps in England.

Order has been notified to them by the Lord Lieutenant, elect the Number of Justices mentioned in such Order, to be with the Justices elected in like Manner for every other such County, Riding, Division, or Place, a Committee for providing and maintaining such Storehouse as aforesaid:

In case any Member of any such Committee die, resign, or become incapable to act, the Justices for the County, Riding, Division, or Place for which he was elected, at any General or Quarter Sessions for such County, Riding, Division, or Place, shall elect some other Justice in his Place, but notwithstanding any Vacancy in any Committee the continuing Members may act as if no such Vacancy had occurred.

Meetings of Committee.

III. Every such Committee shall within One Month after their Election assemble at some convenient Place to be named in a Notice to be given by Two or more of the Members thereof to the several Members so elected, such Notice to be given to each Member personally or left at his Place of Abode, or transmitted through the Post Office Seven Days at least before the Time appointed for such Meeting, and the said Committee may adjourn the said Meeting from Time to Time and from Place to Place and meet when and so often as they think necessary, and they shall at their First Meeting elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is present, and in case of his Absence from any Meeting the Members present shall elect One of their Number to be Chairman for the Meeting, who shall preside at the Meeting:

To constitute a Meeting of the Committee there shall not be less than Three Members, except for Adjournment, which may be made by less than Three, and every Question shall be determined by a Majority of Votes, the Chairman (whether permanent or temporary) having a Vote, and in the event of Equality of Votes, having a Second or Casting Vote.

Powers of Committee.

IV. The said Committee or any Three of them shall have all the Powers for providing, repairing, enlarging, altering, and improving such Storehouse as aforesaid as are or may be given to the Justices of a County for providing, enlarging, altering, and improving any Storehouse for keeping the Arms and other Stores belonging to any Regiment of Militia of their County; and all the Provisions of such Act auxiliary to any such Powers, and in relation to any such Storehouse, shall extend and apply to and in the Case of the Powers conferred by this Enactment, and any Storehouse to be provided, altered, enlarged, or improved thereunder; and any Lands to be purchased for the Purposes of this Act shall be conveyed to such Persons, being not less than Five in Number, and in such Manner

Lands purchased for Purposes of

Manner as the Committee purchasing the same may direct, in trust for the Purposes of this Act, and any Conveyance to be so made shall have the like Force and Effect as a Conveyance made under Section Eighty-one of "The Lands Clauses Consolidation Act, 1845." this Act to be conveyed to Trustees.

V. When and so often as any Land purchased under this Act shall be vested in less than Three Trustees, or there shall not be any Trustee thereof living, it shall be lawful for the said Committee or any Three or more of them, by an Instrument in Writing under their Hands, to appoint such Number of new Trustees of such Land as may be thought fit, and such Appointment shall be deposited and kept among the Records of such one of the Counties, Ridings, Divisions, or Places interested therein as the Committee may think fit, and all the Estate and Interest in such Land which at the Time of such Appointment may be vested in any Trustee or Trustees in trust for the Purposes aforesaid, or in any other Person as Heir or Devisee, or otherwise subject to such Trust, shall, by virtue of such Appointment, vest in the Trustees so appointed, either alone, or if there be any continuing Trustees or Trustee jointly with such continuing Trustees or Trustee, as the Case may require, without any Conveyance or Assurance for that Purpose. Power for the Appointment of new Trustees in case of Death, &c.

VI. The said Committee shall from Time to Time certify to the Treasurer of each County, Riding, Division, or Place for the Payment of the Amount to be contributed by such County, Riding, Division, or Place towards the Expenses incurred by such Committee, according to and in proportion to the Number of Men ordered to be contributed by such County, Riding, Division, or Place to the united Corps of Artillery; and every Treasurer to whom such Amount is so certified shall raise such Amount out of the same Funds and in the same Manner as Sums required for the Expenses of the Storehouse for the Militia of such County, Riding, Division, or Place, and pay the same in manner directed by the Certificate of the said Committee, and every such Certificate shall be signed by the said Committee or Three or more of them. As to Payment of Expenses incurred by Committee.

VII. Where any such united Corps of Militia Artillery is formed in *Scotland*, the Commissioners of Supply of the County in which the Stores thereof are directed to be kept shall, forthwith after the Order shall have been notified to them by the Lord Lieutenant, provide a secure and suitable Storehouse for keeping the Arms, Accoutrements, Clothing, and other Stores of the Corps; and all the Provisions and Powers applicable to the providing a Storehouse for the Militia of such County, and the Expenses incidental to the Use and Maintenance thereof, shall Storehouse how to be provided in Scotland.

shall extend and be applicable to the providing a Storehouse for such united Corps, and the Expenses incidental to the Use and Maintenance thereof; and the Sums required as aforesaid shall be certified, contributed, and paid as now by Law provided, in the Cases where several Counties in *Scotland* contribute to the Expenses of a Place for the safe Custody of the Arms and Stores belonging to a united Corps of Militia.

Provision for Storehouses for united Militias.

VIII. Where the Militia of any County, Riding, Division, or Place in *England* is united with the Militia of any adjoining County, Riding, Division, or Place, the Enactments hereinbefore contained for providing for the keeping of the Arms, Accoutrements, Clothing, and Stores belonging to a united Corps of Militia Artillery, and concerning the Expenses of providing a Storehouse for such united Corps, and incidental to the Use and Maintenance thereof, shall be applicable in the Case of the Militia united as aforesaid, save that the Expenses shall be defrayed in proportion to the Quotas fixed for the respective Counties, Ridings, or Places of which the Militias are united.

Expenses of Storehouses in Ireland.

IX. Where any united Corps of Militia Artillery is formed in *Ireland*, or where the Militia of any County or County of a City in *Ireland* is united with the Militia of any adjoining County or County of a City, the Costs of providing, in such Place as the Lord Lieutenant or Chief Governor or Governors shall direct, the Storehouses for keeping the Arms, Accoutrements, Clothing, and other Stores of the united Corps of Militia Artillery, or of the Militias united as aforesaid, shall be defrayed by the several Counties, or Counties of Cities, from the Militias of which the Corps of Militia Artillery is formed, or of which the Militias are united as the Case may be), according to and in proportion to the Number of Men contributed by each County or County of a City to the united Corps of Artillery, or in proportion to the Quotas fixed for each such County or County of a City of which the Militias are united, and the necessary Sums to be contributed by each County or County of a City for this Purpose, including any Arrears in respect of such Costs before the Transmission of the Certificate thereof, shall be raised by the Presentment of the Grand Jury of each such County, and as to the Cities of *Dublin*, *Cork*, and *Limerick*, by the Town Councils of the Boroughs of *Dublin*, *Cork*, and *Limerick* respectively, on a Certificate of the Sum required, signed and transmitted in like Manner as provided in relation to the Cost of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia in such County or County of a City, by the Act of the Session holden in the Seventeenth

Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, and all the Provisions of the said Act applicable to and in respect of such Costs shall be applicable to and in respect of the Sums to be contributed and raised in Ireland under this Act.

Payments to Counties in respect of Expenses of providing Quarters for Permanent Staff.

X. If the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall deem it expedient that the whole or any Number of the Permanent Staff of the Militia of any County or County of a City, or of the United Militia of any Counties, or of any united Artillery Corps, should be provided with Quarters in the Storehouse of such Militia, united Militia, or united Artillery Corps, it shall be lawful for the Grand Jury of such County or Counties, or for the Town Council of the Borough of *Dublin*, *Cork*, or *Limerick*, as the Case may be, to provide by Presentment the Cost of such Quarters; and in every such Case, and also where, in *England*, in any County, Riding, Division, or Place, the Justices in General or Quarter Sessions, or any Committee appointed under this Act, or in *Scotland* the Commissioners of Supply, add to the Buildings provided or to be provided for keeping the Arms and Stores of the Militia Quarters for such Number of the Permanent Staff as the Secretary of State shall deem expedient to be quartered as a Guard for the Arms and Stores, it shall be lawful for the Secretary of State from Time to Time, out of Monies to be provided by Parliament for this Purpose, to cause to be paid to the Treasurer of such County, Riding, Division, or Place, or such Commissioners of Supply, such yearly Sum as the Secretary of State may have agreed so to pay before such Quarters are provided, to be applied in aid of the Rates or Assessments out of which or of Monies raised on the Security of which the Expenses of providing such Quarters have been defrayed, and where such Expenses have been incurred on account of any united Corps of Militia or united Militias, such Sum shall be apportioned by the Secretary of State between or among the Counties, Ridings, Divisions, or Places which may have contributed to such Expenses in proportion to its Contribution thereto, and be paid to the Treasurers of the respective Counties, Ridings, Divisions, or Place, or the Commissioners of Supply of the respective Counties accordingly.

Provision in respect of Counties who have already provided Accommodation for permanent Staff.

XI. Where before the passing of this Act any Quarters shall have been provided for the permanent Staff of the Militia by any County, Riding, or Place, it shall be lawful for the Secretary of State, upon being satisfied of the Sufficiency of such Quarters, to approve thereof in the same Manner as if the same had been erected with his Sanction subsequent to the passing

passing of this Act, and it shall thereupon be lawful for the Secretary of State to cause to be paid to the Treasurer of such County, Riding, or Place such yearly Sum as he may think fit, in the same Manner and to be applied for the same Purposes as if under the Provision herein-before contained such Sum had been agreed to be paid by him before such Quarters had been provided.

Treasurers of Counties to be accountable to Treasurers of Boroughs for Payments by Secretary of State.

XII. The Treasurer of every County, Riding, Division, or Place receiving any such Payment from the Secretary of State shall be accountable in respect thereof to the Treasurer of every Borough which may have contributed to the Expenses of providing the Quarters in proportion to its Contribution to such Expenses.

Borough Justices may administer Oaths to Militia Volunteers.

XIII. The Oath which under the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, is to be taken by every Volunteer raised as in the said Act mentioned, may be administered by any Justice of the Peace for any City or Borough, County, Riding, or Place where such Volunteer may happen to be.

Militia Volunteers may be drilled in addition to other Times of Training.

XIV. It shall be lawful for Her Majesty, by Order or Regulations signified by the Secretary of State, to direct that any Militia Volunteer, upon or at any Time after his Enrolment, be drilled, trained, or exercised by way of preliminary Instruction, at the Head Quarters of the Regiment, Battalion, or Corps in which he is enrolled, or at any other convenient Place, for any Time not exceeding Twenty-eight Days, although the Regiment, Battalion, or Corps, or any Part thereof, be not then called out for Training and Exercise, and during the Period of preliminary Instruction under this Provision the Volunteer shall be subject to the same Articles of War and to the same Laws in all respects as if he were a Militiaman lawfully called out for Training and Exercise; but such Period shall not be reckoned in lieu or in diminution of the Time in the same Year during which he might have been called out for Training and Exercise with all or any Part of the same Corps independently of this Enactment.

So much of Sect. 12. of 22 & 23 Vict. c. 38. as provide the Modes in which Deserters shall be tried repealed.

XV. And whereas by Section Twelve of the Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-eight, after providing that every Deserter from the Militia, and every Person who in respect of any Offence against the Militia Laws is deemed a Deserter, may be tried by a Regimental Court-martial, or may be tried summarily by any Justice or Justices of the Peace as therein mentioned, it is enacted, that it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried: So much of the said Section

Section as provides that it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried shall be repealed; and every such Deserter, and every such Person who in respect of any Offence against the Militia Laws is deemed a Deserter, shall be tried summarily by any Justice or Justices of the Peace having Jurisdiction under the said Section, unless it be shown to such Justice or Justices that the Secretary-at-War has ordered such Deserter or Person to be tried by a Regimental Court-martial under the Provision herein-after contained; and it shall be lawful for such Secretary-at-War, by any general or special Directions or Regulations, to order any such Deserter or Person, or any Class or Description of such Offenders, with reference to the Time or Circumstances of their being apprehended or otherwise, to be tried by Regimental Court-martial according to the Provisions in the said Section mentioned for such Trial, and every such Deserter or Person to whom such Desertion or Regulation is applicable shall thereupon be tried and dealt with accordingly.

Deserters, &c. may be tried summarily by Justices unless Secretary-at-War shall order otherwise.

XVI. Every Deserter from any Regiment, Battalion, or Corps of Militia of any Part of the United Kingdom which is embodied at the Time of such Desertion or afterwards, shall, whether he shall or shall not have been punished for his Offence, be liable to serve for an additional Period equal to the Time which may have elapsed between the Time of his Desertion and the Time when he is apprehended or voluntarily returns to his Regiment, Battalion, or Corps; the Period of such additional Service to commence from the Expiration of the Period for which he was enrolled, or from the Time of his Apprehension or Return, which may last happen.

Term of Service of Deserters from Embodied Militia extended.

XVII. It shall be lawful for the Colonel or Commanding Officer of any Regiment, Battalion, or Corps of Militia, pursuant to any Regulations or Directions of the Secretary-at-War, to authorize any Militia Volunteer or Volunteers belonging to such Regiment, Battalion, or Corps to enlist in Her Majesty's Regular Forces, and to give to any such Volunteer a conditional Discharge from the Militia, to become absolute on his being enlisted into, attested, and finally approved for Her Majesty's Regular Forces within a Time limited by such Colonel or Commanding Officer, in pursuance of such Regulations or Directions; and in case such Volunteer be so enlisted, attested, and finally approved within the Time so limited, his Enlistment shall be valid; but otherwise such Discharge shall be void.

Provision as to Enlistment of Militia Volunteers in the Regular Forces.

XVIII. Except as herein-before provided, any Militiaman who enlists in Her Majesty's Regular Forces, or Her Majesty's

Stoppage of Pay of Militiamen

fraudulently enlisting in Her Majesty's Forces, &c., or entering the Navy.

Indian Forces, or Royal Marine Forces, or who enters Her Majesty's Navy, during the Continuance of his Engagement in the Militia, shall, if retained to serve in the Forces in which he has so enlisted or in the Navy, as the Case may be (in lieu of the Stoppages, if any, to which he may now by Law be liable), be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State shall direct; but no such Militiaman so enlisting or entering shall be released from his Engagement as a Militiaman, or be relieved from any Liability consequent on his wrongful Enlistment or Entry, save by or in pursuance of the Order of the Secretary of State, and which Order when the said Militiaman shall be within the United Kingdom shall be given only with the Consent of the Commanding Officer of the Regiment, Battalion, or Corps to which such Militiaman belongs, and his Service under such wrongful Enlistment or Entry shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired.

Allowances for Travelling Expenses of Officers attending Courts-martial.

XIX. So much of the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and sixty-eight, Sections Three and Four, and of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six, Sections Fifty-five and Fifty-six, as provides that Officers attending to form Courts-martial shall be entitled to Two Shillings for every Mile for going to such Court-martial, at the Commencement thereof, and returning after the Conclusion of the Proceedings of the Court shall be repealed; and all Officers attending to form such Courts as in the said Sections mentioned shall be entitled to such Allowances for their Travelling Expenses in going to such Court-martial and returning therefrom, as the Secretary-at-War by Regulations may from Time to Time direct.

In case of Invasion or imminent Danger thereof, Her Majesty may raise the Militia in Scotland to 15,000 Men.

XX. It shall be lawful for Her Majesty, in case of actual Invasion or imminent Danger thereof, the Reason being first communicated to Parliament if Parliament be then sitting, or declared in Council and notified by Proclamation if Parliament be not sitting or in being, to order and direct by Her Royal Proclamation that, in addition to the Number of Private Militiamen authorized to be raised and kept up for the Militia in *Scotland* by the Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six, there shall be forthwith raised and enrolled for the Militia in *Scotland* such Number of Men as to Her Majesty may seem fit, so as the whole Number of Men for the Time being raised for the Militia in *Scotland* shall not exceed Fifteen thousand Private Militiamen, and the Lieutenants and Deputy

Deputy Lieutenants of the several Counties in *Scotland* shall forthwith proceed to raise and enrol such additional Men, at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions applicable to the Militia raised in *Scotland* shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for Her Majesty, whenever She may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Royal Proclamation to declare such Reduction accordingly.

Militia of Ireland may be increased in like Cases to 45,000.

XXI. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in case of actual Invasion or imminent Danger thereof, to be signified by Proclamation from such Lord Lieutenant or Chief Governor or Governors, to order and direct by Proclamation that, in addition to the Number of Private Militiamen authorized to be raised and kept up in *Ireland* by the Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, there shall be forthwith raised and enrolled for the Militia in *Ireland*, such Number of Men as to such Lord Lieutenant or Chief Governor or Governors may seem fit, so as the whole Number of Men for the Time being raised for the Militia in *Ireland* shall not exceed Forty-five thousand Private Militiamen, and the Lieutenants and Deputy Lieutenants of the several Counties and Places in *Ireland* shall forthwith proceed to raise and enrol such additional Men, at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions applicable to the Militia raised in *Ireland* shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, whenever he or they may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Proclamation to declare such Reduction accordingly.

CAP. XCV.

An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in Scotland.—[13*th* August 1860.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail*, by which Act it was, *inter alia*, provided that every Proprietor of an entailed Estate who should lay out Money in enclosing, planting, or draining, or in erecting Farmhouses and Offices or Outbuildings for the same, for the Improvement of his Lands and Heritages, should be a Creditor to the succeeding Heirs of Entail for Three Fourth Parts of the Money laid out in making the said Improvements; and the said Act contains various Provisions for determining the Amount and regulating the Recovery of the aforesaid Proportion of the Sums expended upon such Improvements: And whereas the Provisions of the said Act have been in certain respects amended by Two Acts, the one passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Entail in* Scotland, and the other passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in* Scotland: And whereas the Second and Third recited Acts contain various Enactments providing that Monies or Balances of Monies derived from the Sale of Portions of entailed Estates, or of Rights or Interests in or concerning such Estates, or in respect of permanent Damage done thereto, and Monies or Balances of Monies invested or held in trust for the Purpose of purchasing Lands to be entailed, may, under the Authority of the Court of Session, be applied, *inter alia*, in permanently improving such entailed Estates or Lands, or in Repayment of Money already expended in such Improvements: And whereas it

10 G. 3. c. 51.

11 & 12 Vict. c. 36.

16 & 17 Vict. c. 94.

it is expedient to facilitate the Erection of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland:* And whereas Doubts are entertained how far the Erection of such Cottages is within the Provisions of the said Act of the Tenth Year of His Majesty King *George* the Third: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of recited Acts as to Improvements of entailed Estates to include Erection of Cottages.

I. All the Provisions of the recited Acts which relate or apply to Improvements of entailed Estates shall be held and construed as including and applying to the Erection of Cottages for the Labourers, Farm Servants, and Artisans upon such Estates, in the same Manner in all respects as if the Erection of such Cottages had been specified in the Ninth Section of the first-recited Act among the other Improvements therein mentioned.

Erection of Cottages to be held as permanent Improvements contemplated by 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94.

II. The Erection of Cottages for the Labourers, Farm Servants, and Artisans upon entailed Estates, or upon Lands towards the Improvement of which such Monies or Balances of Monies as aforesaid are applicable under the Powers of the Second and Third recited Acts, shall be held to be one of the permanent Improvements of such Estates or Lands contemplated by the Second and Third recited Acts; and all the Provisions of those Acts which relate to permanent Improvements of such Estates or Lands shall be held and construed as including and applying to the Erection of such Cottages.

Court or Sheriff to be satisfied that entailed Estates will be permanently benefited, and that Cottages have been substantially erected.

III. Provided always, That nothing in this Act contained shall authorize the Creation of any Charge upon entailed Estates, or against succeeding Heirs of Entail, in respect of the Erection of Cottages, or shall authorize the Application towards the Erection of Cottages of any Monies in which succeeding Heirs of Entail are interested, unless the Court before which Proceedings in pursuance of the recited Acts, or any of them, shall be taken shall be satisfied that the said Estates or the succeeding Heirs of Entail will be permanently benefited to the Extent of the Charge so created or Monies so applied, and that the Cottages in respect of which such Charge is created, or towards the Erection of which such Monies are applied, have been completed in a proper and substantial Manner.

CAP. XCVI.

An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in Scotland *to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force.* —[13*th* August 1860.]

13 & 14 Vict. c. 33.

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, Chapter Thirty-three, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas it is expedient to amend certain Provisions contained in the said Act, and to extend the same in manner herein provided: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Householders may adopt certain Provisions of recited Act without those for Establishment of Police, &c.

I. The Householders of any Burgh, Town, or populous Place, as defined in the said recited Act, may adopt the Provisions of the said Act relating to any Matter or Thing thereby provided for and authorized to be adopted, or to any One or more of the said Matters or Things, although they do not adopt the Provisions relating to the Establishment and Maintenance of a Police Force within such Burgh, Town, or populous Place, in the Manner required by the said Act.

Two or more contiguous Burghs, &c. may adopt Provisions of recited Act.

II. The said recited Act shall be held to extend and apply to Two or more contiguous Burghs, Towns, or populous Places as defined in the said Act; and it shall be lawful for such contiguous Burghs, Towns, or populous Places to unite in adopting the Provisions of the said Act, either in whole or in part, as authorized by this Act; and such Burghs, Towns, or populous Places shall, when so uniting, be held to form One Burgh, Town, or populous Place for the Purposes of the said Act and this Act.

III. It

III. It shall be lawful for the Commissioners for any such Burgh, Town, or populous Place to make up their yearly Accounts under the said Act for the Period extending from the Term of *Whitsunday* in One Year to the Term of *Whitsunday* ensuing in the next Year, and to lay such Accounts before the Statutory Meeting of Commissioners in the Month of *August* in each Year, and such Commissioners may, if they see fit, nominate One Auditor only, in place of Two. Annual Accounts may be made up for the Year ending at Whitsunday, and One Auditor to be sufficient.

IV. It shall be lawful for the Commissioners, if they shall find it necessary in any Year to make Disbursements for the Purposes of the recited Act beyond the Amount recovered of Assessments actually made and applicable to the Expenditure of such Year, to borrow Money on the Security of such Part of the Assessments as shall be due and unpaid, but not to an Amount greater than One Half of such Part; and when any Money has been so borrowed it shall not be competent thereafter to borrow on the Security of any other Assessments leviable under the said Act until the Money so borrowed shall have been paid off; but nothing herein contained shall affect the Three hundred and fortieth Section of the said Act. Commissioners may borrow on Security of Assessments due and unpaid.

V. At any Time before the Expiration of the Period for paying off any Loan contracted by the Commissioners, and any Expenses for which any General Sewer Rate or Assessment or any Special District Sewer Rate or Assessment has been made, the Owner or Occupier of the Premises assessed may redeem the future Assessment leviable in respect of such Premises, without being chargeable with any of the future Interest on the Debt. Proprietors may redeem Sewer Rates without being liable for future Interest on Debt.

VI. The Provisions of the said Act, so far as the same are not inconsistent with the Enactments herein-before contained, shall be construed with such Enactments as One Act. Recited Act and this Act to be construed together.

VII. This Act may be cited as "The Police of Towns (*Scotland*) Amendment Act, 1860." Short Title.

CAP. XCVII.

An Act for amending and making perpetual the Railways Act, Ireland (1851).—[13*th* August 1860.]

CAP. XCVIII.

CAP. XCVIII.

An Act for taking the Census in Scotland.—[20*th* August 1860.]

WHEREAS it is expedient to take the Census of *Scotland* in the Year One thousand eight hundred and sixty-one: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State to superintend Census.

I. One of Her Majesty's Principal Secretaries of State shall have the Care of superintending the taking of the Census of *Scotland*, and shall cause to be prepared and printed, for the Use of the Persons to be employed in taking it, such Forms and Instructions as he shall deem necessary; and the Registrar General for *Scotland* shall issue all such Forms and Instructions to the Persons for whose Use they shall be intended; and all the Expenses which shall be incurred by Authority of such Secretary of State under this Act shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Copy of this Act to be sent to every Sheriff in Scotland.

II. The Registrar General for *Scotland* shall send a printed Copy of this Act to the Sheriff of every County in *Scotland*, and to the Chief Magistrate of every Royal Burgh, and of every Parliamentary Burgh having Magistrates, in *Scotland*.

Registrars Districts to be formed into Enumerator's Divisions.

III. Every Registrar's District in *Scotland* shall be formed into Enumerator's Divisions according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births, Deaths, and Marriages in *Scotland*; and the Registrars, with all convenient Speed, shall divide the several Districts into Enumerator's Divisions according to such Instructions, and subject in each Case to be revised by the Sheriff of the County or the Magistrates of the Burgh, as the Case may be.

Enumerators to be appointed.

IV. The several Registrars of Births, Deaths, and Marriages in *Scotland* shall make and return to the Sheriff of the County, or to the Chief Magistrate of the Burgh, as the Case may be, a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to act as Enumerators within their several Districts, and such Persons, when approved of by the Sheriff or Magistrates, shall

shall be appointed by the Registrar, by any Writing under his Hand, Enumerators for taking the Census; and the Registrar, with the like Approval, shall assign a Division to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Householders Schedules to be left at Dwelling Houses.

V. Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by or on behalf of the several Occupiers of Dwelling Houses as herein-after provided, with Particulars of the Name, Sex, Age, Rank, Profession, or Occupation, Condition, Relation to Head of Family, and Birth-place of every living Person who abode in every House on the Night of *Sunday* the Seventh Day of *April* One thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb, and also whether any, and how many, of such Persons, being of the Age of from Five to Fifteen Years, attended School during the Week preceding; and the Registrars in *Scotland* shall in the course of the Week ending on *Saturday* the Sixth Day of *April* in the Year One thousand eight hundred and sixty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Enumerator will collect all such Schedules within his Division on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Enumerator, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false

Occupiers to fill up the Schedules and sign and deliver them to the Enumerator.

Penalty for Neglect.

Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Twenty Shillings.

Schedules to be collected from House to House, and corrected if found to be erroneous.

VI. The Enumerators shall visit every House in their respective Divisions, and shall collect all the Schedules so left within their Division from House to House, so far as may be possible, on *Monday* the Eighth Day of *April* in the Year One thousand eight hundred and sixty-one, and shall complete such of the Schedules as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Schedules, when completed and corrected, into Books to be provided them for that Purpose, and shall add thereunto an Account, according to the best Information which they shall be able to obtain, of all the other Persons living within their Division who shall not be included in the Schedules so collected by them.

Enumerators to take an Account of Houses, &c., and to distinguish the Boundaries of Parishes, Boroughs, &c.

VII. Every Enumerator shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his Division, stating the Number of Rooms having a Window or Windows in each Dwelling House; and shall also take an Account of all such Particulars herein-before mentioned, and none other, as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in the Book into which he shall have copied the Householders Schedules and other Particulars, as herein-before directed, each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his Division, or such Parts thereof as shall be within his Division, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his Division which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough; and shall deliver such Book to the Registrar of the District, together with the Householders Schedules collected by him, and shall sign a Form or Declaration to the Effect that the said Book has been truly and faithfully filled up by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Enumerators to deliver their Books, with the Householders Schedules to the Registrar.

Registrars to verify the Enumerator's Books, and

VIII. The Registrar to whom such Enumeration Book shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said

said Book to be supplied, so far as may appear possible; and when the Books shall have been made as accurate as is possible the Registrar shall deliver them to the Sheriff of the County or the Chief Magistrate of the Burgh, as the Case may be, as herein-after provided. deliver them to the Sheriff, &c.

IX. The Sheriff of every County and the Chief Magistrate of every Royal or Parliamentary Burgh in *Scotland* shall appoint a Time or Times, which shall not be earlier than the Fifteenth nor later than the Thirtieth Day of *April* One thousand eight hundred and sixty-one, for the Registrars of Districts within their respective Jurisdictions to attend at their respective Offices, or such other Places as they may appoint, with the Returns to be made under this Act, of which Times and Places Intimation shall be given to the Registrars in such Manner as shall be directed by the Sheriffs and Magistrates respectively, who shall then and there receive from the Registrars the Returns to be made as aforesaid, and cause every Registrar to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct; and the Sheriffs and Magistrates, if they see Cause, may examine the Registrars touching any of the Matters to which the Returns relate, and shall thereafter direct the Clerks of their respective Jurisdictions to endorse the same (if not previously endorsed) with the Name of the County, and District thereof wherein the Parish or Place therein mentioned is situate, or otherwise (where any of the said Sheriffs shall think proper) they shall direct the Registrar to verify the said Returns before any Justice of the Peace of their Respective Counties, and thereafter to transmit the same previously to the said Thirtieth Day of *April* in any convenient Manner to the said Sheriffs, who shall direct the same to be endorsed as aforesaid. Returns to be given to the Sheriffs of Counties and Chief Magistrates of Burghs.

X. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall, on or before the First Day of *June* One thousand eight hundred and sixty-one, transmit the several original Enumeration Books by them received from the Registrars (together with a List of the Parishes and Places within their respective Counties and Burghs from whence no Returns have been made to them) to the Office of the Registrar General for *Scotland* for the Use of the Secretary of State. Sheriffs of Counties and Chief Magistrates of Burghs to receive the Returns and transmit them to the Registrar General.

XI. The Secretary of State shall cause an Abstract to be made of the said Returns; and such Abstract shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and sixty-one, if Parliament be An Abstract of Returns to be printed, and laid before Parliament.

be sitting, or, if Parliament be not sitting, then within the First Fourteen Days of the Session then next ensuing.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

XII. The Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every Public or Charitable Institution, which shall be determined upon by the said Registrar General, shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of One of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

Returns of houseless Poor and of Persons travelling or on Shipboard.

XIII. The Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Seventh Day of *April* were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, and other Persons as aforesaid, and shall include such Returns in the Abstract to be made by him as aforesaid.

Table of Allowances to Enumerators and other Persons employed.

XIV. One of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Sheriff Clerks, Town Clerks, and other Persons in *Scotland* employed in the Execution of this Act; and such Table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Payments to be certified to the Registrar General.

XV. The Sheriff of every County and the Chief Magistrate of every Burgh in *Scotland* shall, within One Calendar Month next after the taking of the Census, certify to the said Registrar General the total Amount of the Allowances to which the Registrars, Enumerators, Sheriff Clerks, Town Clerks, and other Persons are respectively entitled, according to the said Table.

Manner in which the Payments shall be made to Persons employed in Execution of this Act.

XVI. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall grant to the Sheriff Clerks and Town Clerks respectively, and to the several Registrars, Enumerators, or other Persons employed in the Execution of this Act, such Allowances as shall have been certified as herein-before provided, together with any necessary Expenses incurred by them or any of them in the Execution of this Act, and shall order Payment thereof to be made by the Collector

Collector of the Land Tax for the County or other Place out of any Money in his Hands, and such Collector shall pay the same accordingly; and the Receipts to be given by the Enumerators and other Persons, and Registrars, for Payment of their said Allowances, shall be delivered to the Sheriff Clerk or Town Clerk, as the Case may be, who shall transmit the same, together with the Receipt for his own Allowance, to the Registrar General: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Sheriff or Chief Magistrate, as the Case may be, with respect to the Registrar before any Payment shall be made to them.

Penalty for wilful Default.

XVII. Every Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XVIII. The Enumerators and other Persons employed in the Execution of this Act shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Recovery and Application of Penalties.

XIX. All Penalties imposed by this Act shall be recovered in a summary Manner before Two Justices of the Peace or Magistrates having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and shall be paid, One Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, to be by him applied in aid of the Expenditure.

Interpretation of Terms.

XX. The Word "Sheriff" shall include "Sheriff Substitute," and the Words "Dwelling House" shall include all Buildings and Tenements of which the whole or any Part shall be used for the Purpose of Human Habitation.

CAP. XCIX.

CAP. XCIX.

An Act to continue the Corrupt Practices Prevention Act (1854).—[20*th* August 1860.]

17 & 18 Vict. c. 102.

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and "amend the Laws relating to Bribery, Treating, and undue "Influence at Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act as so amended has, by an Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Forty-eight, been continued until the Tenth Day of *August* One thousand eight hundred and sixty, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 87.

22 & 23 Vict. c. 48.

Duration of Act.

The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the Tenth Day of *August* One thousand eight hundred and sixty-one.

CAP. C.

An Act to repeal so much of the Act of the Twenty-second and Twenty-third Victoria, *Chapter Twenty-seven, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising* European *Forces for the* Indian *Army of Her Majesty.*—[20*th* August 1860.]

WHEREAS it is not expedient that a separate *European* Force should be continued for the Local Service of Her Majesty in *India:* Be it enacted by the Queen's most Excellent

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 22 & 23 Vict. c. 27. and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty, repealed.

So much of the Act of Parliament of the Twenty-second and Twenty-third of Her Majesty, Chapter Twenty-seven, intituled, *An Act to repeal the Thirty-first Section of Sixteen and Seventeen* Victoria, *Chapter Ninety-five, and to alter the Limit of the Number of* European *Troops to be maintained for Local Service in* India, and of any former Act or Acts of Parliament, as renders it lawful for the Secretary of State in Council from Time to Time to give such Directions as he may think fit for raising such Number of *European* Forces as he may judge necessary for the *Indian* Army of Her Majesty, is hereby repealed: Provided always, that the same or equal Provision for the Sons of Persons who have served in *India*, and the advantages as to Pay, Pensions, Allowances, Privileges, Promotion, and otherwise, secured to the Military Forces of the *East India* Company by the Act of the Twenty-first and Twenty-second Years of the Queen, Chapter One hundred and six, Sections Thirty-five, Fifty-six, and Fifty-eight, respectively, shall be maintained in any Plan for the Reorganization of the *Indian* Army, anything in this Act contained notwithstanding.

Provision as to certain Persons who have served in India.

CAP. CI.

An Act to continue the Poor Law Board.—[20*th* August 1860.] (England).

CAP. CII.

An Act to provide for the Management of East India *Stock, and of the Debts and Obligations of the Government of* India, *at and by the Bank of* England.—[20*th* August 1860.]

WHEREAS under their Charter the *East India* Company are directed to cause an Accountant to keep a Book or Books in the Public Office or Place of Meeting of the same Company, and therein to enter the Amount of the Capital Stock

Stock of the same Company; and it is by the Charter directed that the Method of making Assignments and Transfers of the said Stock shall be by an Entry in the said Book or Books in Forms prescribed by the said Charter, and that the Entry signed as therein prescribed, and no other Way or Method, shall be the Manner and Method used in the passing, assigning, or transferring the Interest or Share in the said Stock and Fund: And whereas by the Act of the Third and Fourth *William* the Fourth, Chapter Eighty-five, it is enacted, that out of the Revenues of the *British* Territories in *India* there shall be paid to or retained by the said Company a yearly Dividend of Ten Pounds Ten Shillings *per Centum* on the Capital Stock of the said Company: And whereas it is expedient to empower the Directors of the said Company to make arrangements with the Governor and Company of the Bank of *England* for the Management of the said Capital Stock by the Governor and Company of the Bank of *England*, and for the Transfer thereof at the said Bank: And whereas it is expedient to enable the Secretary of State for *India* in Council to defray the Expenses incident to such Arrangements: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Arrangements for Transfer of Stock of the East India Company, and Payment of Dividends thereon at the Bank of England

I. From and after the Thirty-first Day of *August* One thousand eight hundred and sixty the Provisions contained in the said Charter which require the *East India* Company to keep Books in the public Office or Place of Meeting of the Company for the Entry of the Capital Stock of the Company, and which relate to the Method and Form of making Assignments and Transfers of the said Stock in the said Books, shall cease to be of force; and the Directors of the *East India* Company are hereby empowered to make Arrangements with the Governor and Company of the Bank of *England*, for the Management of the said Capital Stock by the Governor and Company of the Bank of *England*, and for the Transfer thereof, and the Payment of the Dividends thereon at the said Bank on and after the First Day of *September* One thousand eight hundred and sixty, or so soon afterwards as may be found convenient, in such Manner and Form, and upon such Terms and Conditions, and for such Remuneration as may appear to the said Directors expedient and equitable, and be mutually agreed upon by them and the Governor and Company of the Bank of *England*, subject to the Consent of the Secretary of State for *India* in Council, so far as relates to the Amount of such Remuneration.

II. The

Secretary of State for India in Council to pay to the East India Company the Sum agreed to be paid to the Bank of England.

II. The Secretary of State for *India* in Council shall half-yearly, at the same Time that he shall pay to the *East India* Company the Dividend on the Capital Stock of the said Company due and payable to the said Company under the Act of Third and Fourth of *William* the Fourth, Chapter Eighty-five, pay also to the said Company out of the Revenues of *India* such further Sum as may have been mutually agreed upon by the Directors of the said Company and the Governor and Company of the Bank of *England*, with such Consent as aforesaid, as the Remuneration to be paid by the said Company for the Expenses incurred and the Duties undertaken by the Governor and Company of the Bank of *England* under this Act.

Powers of Attorney existing previous to the 31st Dec. 1860 not to be defeated by the Act; and the Bank of England authorized to act on anyPowers lodged with the East India Company.

III. In the event of such Arrangements as aforesaid being made with the Governor and Company of the Bank of *England*, all Powers of Attorney for Transfer of any Share in the said Capital Stock, or for Receipt of the Dividends thereon, made or executed at any Time before the Thirty-first of *December* One thousand eight hundred and sixty, shall be as valid and effectual as if this Act had not passed, and the Governor and Company of the Bank of *England* are hereby authorized and required to give effect thereto in the same Way as the *East India* Company would have been authorized and compellable so to do if this Act had not passed; and the said Governor and Company shall be and they are hereby indemnified from any Act done by them in reliance on or on the Authority of any such Power, or of any Power of Attorney which may, previously to the taking effect of such Arrangements, have been lodged at the Office of the *East India* Company.

Evidence of the Title to Stock may be required by the Bank.

IV. In the event of such Arrangements as aforesaid being made, the Governor and Company of the Bank of *England*, before allowing any Transfer of any Part of the said Stock or the Receipt of any Dividends thereon, shall be at liberty to require Evidence of the Title of any Proprietor to any of the said Stock or the Dividends thereof, and such Evidence shall be the Declaration of competent Persons, to be made in pursuance of the Act of the Sixth *William* the Fourth, Chapter Sixty-two, or of such other Nature as the Governor and Company of the Bank of *England* shall require.

Secretary of State for India in Council to pay the Dividends half-yearly to the Bank.

V. In the event of such Arrangements as aforesaid being made the Secretary of State for *India* in Council shall in the Month of *December* One thousand eight hundred and sixty, and in every subsequent Year, so long as the Dividends on the said Capital Stock shall continue to be payable, Fifteen Days at the least before each of the half-yearly Days on which a Dividend on the said Capital Stock becomes payable, out of such Monies as

as may be applicable to the Payment of the Dividends, cause to be paid to the Chief Cashier for the Time being of the Bank of *England* to the Credit of the *East India* Company the Amount of the Dividend payable to the said Company under the Act Third and Fourth of *William* the Fourth, Chapter Eighty-five.

Secretary of State for India in Council to make such Arrangements as shall be deemed expedient with the Bank of England for Payment of the Debts and Obligations of the Government of India, and the Interest thereon.

VI. The Secretary of State for *India* in Council shall be and he is hereby authorized from Time to Time to make such Arrangements with the Governor and Company of the Bank of *England* as shall be deemed expedient for the Payment at the Bank of *England* of the Debts and Obligations contracted by or on behalf of the *East India* Company, and by or on behalf of the Secretary of State for *India* in Council, both in *India* and *Great Britain*, and of the Interest to accrue thereon, and for the Creation and Registration and for the Transfer of, and the Payment of Interest on, any Stock into which any such Obligations may be convertible, and for the Appointment of One or more Person or Persons for the Purpose of drawing Bills, on behalf of the Secretary of State in Council of *India*, upon the Governor General, and the Governors of the several Presidencies of *India* respectively, and otherwise in relation to the Management of such Debts and Obligations.

Secretary of State for India in Council to open Accounts at Bank of England for Payment of current Demands.

VII. It shall be lawful for the Secretary of State for *India* in Council from Time to Time to open at the Bank of *England* such Account or Accounts for the Payment of current Demands as he may deem expedient, such Account or Accounts to be kept in such Name or Names, and drawn upon by such Person or Persons, and in such Manner, as may from Time to Time be directed by the said Secretary of State in Council, which Accounts shall be deemed public Accounts.

CAP. CIII.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.—[20*th* August 1860.]

CAP. CIV.

An Act to enable the Trustees of the Royal College of Saint Patrick *at* Maynooth *to make Provision for certain necessary Buildings and Repairs.*—[20*th* August 1860.]

CAP. CV.

An Act to provide for the Management of the General Prison at Perth, *and for the Administration of Local Prisons in* Scotland.—[20*th* August 1860.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland; and another Act was passed in the Fourteenth and Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in* Scotland: And whereas it is expedient that the Laws for the Administration of Prisons in *Scotland* should be consolidated and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 Vict. c. 42.

7 & 8 Vict. c. 34.

14 & 15 Vict. c. 27.

I. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, the recited Acts shall be and are hereby repealed, and this Act shall commence and take effect.

Recited Acts repealed, and this Act to take effect.

II. The Repeal of the recited Acts shall not be held to repeal or in any way affect the Enactments of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Care*

Repeal not to affect 20 & 21 Vict. c. 71.

Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland; and where in any Enactments of the last-recited Act, or of any other Act which shall continue in force after the Commencement of this Act, any of the Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein.

Short Title.

III. This Act may be cited for all Purposes as "The Prisons (*Scotland*) Administration Act, 1860."

Interpretation of Terms.

IV. The following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall be repugnant to such Construction:

The Word "Prisons" shall include all legal Prisons under this Act, whether administered by the Managers appointed in Terms of this Act or by County Boards, but shall not include Military Prisons, Police Cells, or other Places of Detention not administered either by such Managers or by a County Board:

"Local Prisons" shall include all Legal Prisons under this Act, not administered by the said Managers:

The Expression "Classes of Prisoners for which a Prison is legal" shall include all Descriptions of Civil and Criminal Prisoners, other than such as are excepted in the Declaration, Order, or other Proceeding by which the Prison is rendered legal:

"Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament:

"Town Councils" shall include the Lord Provost, or Provost or Chief Magistrate, and Magistrates and Council of Burghs:

"Magistrates" shall include the Administrators of the Affairs of a Burgh:

"Sheriff" shall include Sheriff Substitute:

"Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein:

"Civil Prisoner" shall include all Persons imprisoned for Civil Debts due to Subjects; Prisoners for Debts or Taxes due to the Crown, not being Fines or Penalties inflicted on Conviction of Offences; Prisoners on Meditatione fugæ Warrants granted at the Instance of Creditors for Performance of Civil Obligations; Prisoners Ad factum præstandum; Prisoners until they find Caution to return to Service; and Prisoners until they find Caution under Writs of Law Burrows:

"Criminal

"Criminal Prisoner" shall include all other Descriptions of Prisoners:

"Administrators of a Prison" shall mean either the Managers of the General Prison or a County Board, as the Case may be:

"Medical Practitioner" shall mean a Person registered in Terms of an Act passed in the Twenty-first and Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to regulate the Qualifications of Practitioners in Medicine and Surgery*, and an Act passed in the Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to amend the Medical Act* (1858).

Appointments, Claims, and Obligations under repealed Acts to continue.

V. All Appointments made under the recited Acts, except in so far as the same are superseded by this Act, shall remain until the same are legally revoked or altered; and all Claims which have been created, and all Obligations and Penalties which have been incurred under the said Acts, and are not superseded by this Act, shall continue to be effectual; and all Orders lawfully made but not fulfilled, and all Matters left incomplete by the Repeal of the said Acts, shall be brought to a Conclusion under this Act, except in so far as the same are superseded thereby.

Rules for Prisons.

Rules as existing to continue until altered.

VI. All Rules for Prisons in *Scotland* which have been certified under the Hand of One of Her Majesty's Principal Secretaries of State, and have not been superseded by other Rules so certified, shall, except in so far as the same are superseded by this Act, be the Rules for Prisons in *Scotland*, and as such shall be binding on all Persons whom they may concern.

Secretary of State to be substituted for General Board of Prisons in Rules.

VII. When the Words "General Board" are used in such Rules, in applying the same to Local Prisons, the Words "One of Her Majesty's Principal Secretaries of State" shall be substituted therefor: Provided that the Intimation required by such Rules to be made of an Escape or of a sudden Death shall be made to the Crown Agent.

Authorized Relaxations or Modifications of Rules to continue.

VIII. Where in any Prison any Relaxation or Modification of any of such Rules shall before the Commencement of this Act have been authorized by the General Board of Directors of Prisons, such Rules shall be enforced in such Prison subject to such Relaxation or Modification, until the same are revoked by the Adoption of any new Rules under the Provisions of this Act.

Secretary of State empowered to

IX. It shall be lawful at any Time for One of Her Majesty's Principal Secretaries of State to alter, modify, or supersede any

alter Rules, or make new Rules.

any Rule applicable at the Time to any Prison in *Scotland*, and all Rules, whether applicable to particular Prisons therein named or applicable to Prisons in *Scotland* generally, issued under the Hand of One of Her Majesty's Principal Secretaries of State, shall be specially communicated to the Administrators of every Prison to which they apply and published in the *Edinburgh Gazette*, and shall thereafter be binding on all Persons whom they may concern.

County Prison Boards.

County Board for each County; and Orkney and Zetland taken to be separate.

X. There shall be in each County a County Prison Board; provided that for the Purposes of this Act *Orkney* and *Zetland* shall as heretofore be taken to be separate Counties; and the several County Boards in existence at the Commencement of this Act shall continue to be the County Boards under this Act until the First Appointment of County Boards under the Provisions thereof.

County Boards to be chosen by Commissioners of Supply and Magistrates of Burghs, and to consist of Numbers set forth in Schedule (A.)

XI. The County Boards shall be chosen by the Commissioners of Supply of the several Counties, and by the Magistrates of certain Burghs, and the Board of each County shall consist of the Number of Members set forth in reference to such County in the Schedule (A.) annexed to this Act, and shall be chosen by the Commissioners of Supply of each County, or by such Commissioners and the Town Council of any Burgh or Burghs situated in the County, according to the Proportion set forth in the said Schedule: Provided that the Sheriff, and in his Absence One Sheriff Substitute, of the County shall, in addition to the Members so chosen, be *ex officio* Members of the County Board; and where there is more than One, the Sheriff Substitute whose Appointment is the earliest in Date shall be such Member.

As to Election of County Boards.

XII. The Commissioners of Supply of each County shall elect such Number of Members of the County Board as they are by this Act authorized to elect, at their Annual Meeting held on the Thirtieth Day of the Month of *April*, or on the first lawful Day thereafter, in the year One thousand eight hundred and sixty-one, and in every subsequent year; and the Town Councils of the several Burghs authorized to elect Members of County Boards shall also elect such Number of Members as they are by this Act authorized to elect in the Month of *April* One thousand eight hundred and sixty-one, and in every subsequent Year; and the Members of every County Board shall remain in Office until the First Meeting of the Board elected in the ensuing Year, and at each new Election any Member of such Board may be re-elected.

XIII. Each

XIII. Each County Board shall hold their First Meeting at such Place within the County as may be fixed by the Sheriff, and on such Day not earlier than the Day on which the Commissioners of Supply hold their Annual Meeting in *April*, and not later than the Month of *May*, as the Sheriff shall fix; and of the Day and Place of such Meeting due Notice shall be given in Two Newspapers in general Circulation in the County; and such Meeting may be adjourned; and at such Meeting each County Board shall elect One of their own Number to be their Chairman and Convener; provided that until such Chairman is elected the Sheriff of the County, or in his Absence the Sheriff Substitute, shall be Chairman, and the Chairman shall, in case of an Equality of Votes, have a double or Casting Vote; and each County Board shall from Time to Time hold their Meetings at some Place within the County, and shall from Time to Time fix the Rules by which their Proceedings shall be governed; and each County Board may appoint Committees of their own Number for the Management of the several Prisons within the County, or for the Performance of the several Duties required to be performed by such Board, and fix the Quorum thereof, and may delegate to such Committees such Powers as they may think fit, the same being expressed in the Minute of their Appointment; and Three shall be a Quorum of such County Boards.

Meetings of County Boards.

Chairman.

Committees and Quorum of County Boards.

XIV. On or before the Day of the First Meeting of each County Board the Clerk thereof shall transmit to One of Her Majesty's Principal Secretaries of State, a Statement of the Name and Place of Abode of each Member of such County Board.

Lists of County Boards to be transmitted to Secretary of State.

XV. In every County the County Board shall have the immediate Superintendence and Management of the Local Prisons therein, in Terms of this Act and of the Rules in force for the Time being in virtue of the same; and such Superintendence and Management shall include the building, altering, and repairing the said Prisons, the transferring the Site of any Prison to be rebuilt from one Part of the County to another, providing Food and all other Articles of Consumption used therein, furnishing Instruction and Employment to the Prisoners, and the Appointment of Keepers, Chaplains, Medical Officers, Clerks, and Teachers, and all other Persons proper to be employed in the Prisons under their Administration: Provided always, that the Chaplains to be so appointed to the general Prison and local Prisons aforesaid shall be Ministers or Licentiates of the Church of *Scotland*.

Powers and Duties of County Boards.

XVI. Each County Board shall appoint a Clerk of the Board, and may when necessary appoint Assistant Clerks, and appoint a Treasurer; and the Persons so appointed shall perform all such

Appointment of Clerks and Treasurer.

such Duties connected with their respective Offices as they may be directed by the County Board to perform with a view to carrying this Act into effect.

Offices under County Boards to be held at pleasure.

XVII. Each County Board shall from Time to Time fix the Salaries and Allowances of the several Persons in their Employment; and all Persons in their employment shall hold their Appointments at the Pleasure of the Board, and shall be liable to be at any Time dismissed by the Board, and on such Dismissal shall be bound immediately to vacate any Premises belonging to the Board occupied by them.

Power to County Boards to grant retiring Allowances as prescribed in 22 Vict. c. 26.

XVIII. It shall be lawful for any County Board, if they think fit, to pay to any Officer or other Person in the Employment of the Board, who by reason of Age, Infirmity, or Disease has become unable properly to discharge his Duties, a retiring Allowance not exceeding the Scale prescribed in Section Two of an Act of the Twenty-second Year of Her present Majesty, intituled *An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service*, and such Allowance, when granted, shall be a Charge on the Assessment for current Expenses: Provided always, that it shall not be lawful to grant such retiring Allowance to any Person under Sixty Years of Age, unless upon Medical Certificate, on Soul and Conscience, under the Hands of Two Medical Practitioners, that such Person is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, and that such Infirmity is likely to be permanent.

Secretary of State may dismiss Persons employed by County Boards, or in Prisons.

XIX. Any Person in the Employment of any County Board or employed in any Prison in *Scotland* may at any Time be dismissed by an Order in Writing under the Hand of One of Her Majesty's Principal Secretaries of State, after such Inquiry as to him may seem proper, and it shall not be lawful to pay a retiring Allowance to any Person who has been so dismissed.

Prisons and other Property of existing Boards vested in County Boards under this Act.

XX. All Local Prisons, all Heritable and Moveable Property, all Moneys, Goods, and Effects, and all Rights of Action possessed by County Boards at the Commencement of this Act, shall be vested in and be possessed by the County Boards respectively under this Act, until such Possession shall be altered by due Course of Law; and all Local Prisons hereafter built, and all Lands and Tenements acquired by County Boards for the Purposes of such Local Prisons, shall be the Property of the Prison Board of the County within which the same are situated.

County Boards may acquire Pro-

XXI. The several County Prison Boards may acquire and hold Heritable and Moveable Property, Moneys, Goods, and Effects; and all Titles, Securities, and Investments and Evidences taken for the same, may be taken to the said Boards by

by the Name and Description of the Prison Board of the County wherein the same shall be established without further Description; and all Property, Moneys, Goods, and Effects which shall have been or may be so vested, and the Titles and Securities thereof, shall be deemed to be held for the Use of such Boards for the Time being, and shall pass and be transmitted to such Boards for the Time being, without the Necessity of any Conveyance or Assignation from one Board to another; and every County Board may, for all Purposes of Civil or Criminal Action or Diligence, or Reference or Arbitration, institute, defend, or enter into Civil or Criminal Proceedings in the Name of the Board or of their Clerk for the Time being; and no such Proceeding shall discontinue or abate by reason of any Vacancy in any of the said Offices, but may be insisted in, to all Intents and Purposes, in the Name of the Board or of their Clerk for the Time being. perty, sue and be sued, &c.

XXII. No Member of any County Board shall derive any Profit or Emolument, directly or indirectly, for himself or any Partner, from his Office, or from the Expenditure made by the Board of which he shall be a Member in the Execution of this Act, nor shall he be personally liable for anything done by him *bonâ fide* in virtue of his Office in the Execution of this Act or in the Exercise of the Powers hereby conferred; and no Sheriff or other Judge shall be disqualified from acting as such in any Civil or Criminal Proceedings which may be brought before him by reason of being a Member of any such Board. Members of County Boards to derive no Profit from Office. Sheriffs, &c., not disqualified.

XXIII. The Commissioners of Supply and the Town Councils of Burghs authorized to appoint Members of County Boards shall severally have Power from Time to Time to supply any Vacancies which may occur in their Appointment of Persons to form a County Board; and it shall be lawful for each County Board from Time to Time to supply any Vacancy which may occur in the Office of their Chairman and Convener; and it shall not be held to invalidate the Acts of any County Board that any Commissioners of Supply or Town Councils of Burghs have failed duly to appoint the several Numbers of Persons authorized to be appointed by them as Members of County Boards, and each County Board may act if Three Members thereof shall assemble. Power to supply Vacancies in County Boards from Time to Time.

XXIV. In case any Convener or Commissioners of Supply of Counties, or Persons appointed or directed by them, or any Town Councils of Burghs, or Persons appointed or directed by them, or any County Board, or Persons appointed or directed by them, shall refuse or neglect to do what is herein required of such Persons respectively, or in case in any County there shall Provision for Refusal or Neglect by Commissioners of Supply, Town Councils,

&c., and failure of County Board.

shall be no County Board, or in case a County Board shall refuse or neglect to carry this Act into effect, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Lord Advocate of *Scotland* to apply by Summary Petition to the Court of Session, or during the Vacation of the said Court to the Lord Ordinary on the Bills, and the said Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Local Prisons.

Legal Prisons to continue for the Purposes for which they were legalized.

XXV. The several Prisons which under the Powers of the recited Acts have heretofore been administered by County Boards, and shall exist as legal Prisons at the Commencement of this Act shall, for the several Purposes and for the several Classes of Prisoners for which they were legal at the Commencement of this Act, continue to be legal Prisons until their Condition as such shall be altered under the Provisions of this Act; and every Declaration by the General Board of Directors of Prisons, or other Procedure rendering a Prison legal which shall be effectual at the Commencement of this Act, shall continue to be effectual, and shall be binding on all Persons concerned, as if the same formed Part of this Act, until such Declaration or other Procedure shall be revoked or altered under the Provisions of this Act.

No material Alteration to be made without Consent of Secretary of State.

XXVI. No Transference of a Prison to a new Site shall be competent, and no Addition shall be made to the Accommodation of any Prison, and no Part of any Prison shall be taken down to the Effect of altering the Accommodation thereof, unless with the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Secretary of State may alter legal Condition of a Prison, or legalize new Prison.

XXVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State, by an Order under his Hand, to render any Local Prison no longer a legal Prison, or to alter the Classes of Prisoners for which any Local Prison is a legal Prison, or to render any new Building a legal Prison for the Classes of Prisoners included in such Order; and every such Order shall be published in the *Edinburgh Gazette*, and in Two Newspapers circulating in the District to which it applies, and shall be effectual on and after a Day named therein subsequent to such Publication.

Procedure when there is no Prison for all Descrip-

XXVIII. When the Terms of any Order affecting the Classes of Prisoners for which a Prison is legal are such that when it comes in force there shall cease to be in the County to which it applies a legal Prison for all Descriptions of Civil and

and Criminal Prisoners, a Prison in some neighbouring County shall be named in such Order to which all Prisoners who would otherwise be confined in such first-mentioned Prison, but cannot be so by reason of the Change in the Classes of Prisoners for which it is legal, shall be removed, and all such Prisoners shall be removed in Terms of such Order by the Prison Board of the County from which they are removed as if the Removal were to another Prison in the same County; and the Expense of the Removal of such Prisoners, and of their Maintenance and Detention in the Prisons to which they are removed, shall be a Charge on the Assessment for current Expenses of Prisons in the County from which they are removed; and in case of Dispute the Amount of such Charge shall be fixed by the Crown Agent. tions of Prisoners in any County.

XXIX. When a Prisoner, having been convicted of an Offence, shall be committed until he pay a Penalty or perform any other Act, to a Prison which is only legal for the carrying out of Sentences of certain short fixed Periods, it shall be lawful for the County Board to remove him to another Prison, as if he had been committed under a Sentence for a Period beyond that which could be lawfully carried out in the Prison to which he is committed. Procedure when Prisoners are committed to Prisons legalized for short Periods.

XXX. When any Judge or Magistrate having Jurisdiction within any Burgh, Town, or Place forming Part of a County shall in the legal Exercise of his Jurisdiction grant a Warrant for the Imprisonment of any Person, and within the Bounds over which his Jurisdiction extends there is either no Prison or only a Prison in which, by reason of the Classes of Prisoners for which it is legal, such a Warrant cannot be carried into effect, it shall be lawful for such Judge or Magistrate to direct that the same shall be carried into effect in any other Prison within the County, and the Warrant shall thereupon be as effectual as if the Prison named therein were within the Bounds of such Judge or Magistrate's Jurisdiction. Procedure where there is no Prison, or only a Prison for limited Purposes within a Burgh or other Jurisdiction.

XXXI. In case any Local Prison or a Part thereof shall be discontinued by ceasing to be a legal Place of Confinement under this Act, the County Board may sell the same for such Price as they may obtain therefor and convey the same to the Purchaser: Provided always, that when the Building so discontinued as a Prison forms Part of any Building used for other Purposes, the First Offer of the same shall be made to the Persons having Right to the other Parts of the Building at such Price as may be agreed on, or in case of Disagreement as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the County Board may give up any Building so discontinued as a Prison, or any Part of the Ground Disposal of Premises ceasing to be Prisons or not necessary for Prison Purposes.

Ground or Buildings belonging to them, which may not be required for their Prisons, without receiving any Price therefor, if the same is to be used for the Purposes of Court Buildings or of a Reformatory of a Police Office Station House or Lock-up.

ASSESSMENTS.

Assessment for current Expenses.

XXXII. The Salaries of the several Persons in the Employment of the County Board, the Expense of the Maintenance of Prisoners in the Local Prisons within the County, and generally the current Expenses of the Administration of such Prisons, shall be defrayed by Assessment upon the County and the Burghs situated therein; and such Assessment shall be of such amount as the County Board shall from Year to Year fix and determine at a Meeting to be held for that Purpose, which may be either at any Meeting to be held for that Purpose in the Month of *March* or *April*, or at any other Meeting held not later than the Month of *September* in every Year; and such Assessment shall be called the Assessment for current Expenses: Provided that where a Prisoner shall be confined in the Prison of any County not being the County in which the Crime for which the Prisoner has been so confined was committed, such County shall be paid by the County within which the Crime was committed the Expense of maintaining such Prisoner during such Confinement, and in case of Dispute the Amount of such Payment shall be fixed by the Crown Agent.

Building Assessment.

XXXIII. At any Meeting to be held for that Purpose, which may be either the First Meeting of the Board after their Appointment or any other Meeting held not later than the Month of *September* thereafter, the County Board may also impose an Assessment for the Year for the Purpose of defraying the Expenses of building, altering, or repairing any Local Prison within the County, or of acquiring Lands for such Purpose; and such Assessment shall be called the Building Assessment: Provided that no such Building Assessment shall exceed the Amount which, as set forth in the Twenty-first Annual Report of the General Board of Directors of Prisons, presented to both Houses of Parliament, was or might legally have been estimated for as a Building Fund before the Commencement of this Act for such County, unless the same shall in Terms of any Agreement or Minute to that effect laid before the County Board be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, and by the Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board on behalf of their

their respective Burghs, and it shall appear that the Persons on whose behalf such consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such County and the Burghs situated therein.

Clerk of the Peace to apportion the total Amount of Assessment between the Landward Part of County and the Burghs therein.

XXXIV. When any Assessment has been imposed by a County Board, the Clerk of the Board shall forthwith divide and apportion the total Amount thereof between the Landward Part of the County and the Burghs situated therein, according to the total Value of Lands and Heritages on which the immediately preceding Assessment for Prison Purposes was levied or leviable in such Landward Part and in each such Burgh; and within Eight Days after such Assessment has been imposed he shall transmit to the Conveners of the Commissioners of Supply of the County, and to the Chief Magistrate of each Burgh situated therein, a Notification of the total Amount imposed, and of the Proportion of such total Amount to be paid by the Landward Part and by each Burgh respectively, to the County Board.

Court of Session to order Building Assessment to be raised when County Board fails to impose it.

XXXV. If a Building Assessment for any Year appear to be necessary for any County, and the County Board shall fail to impose the same previous to the First Day of *October*, it shall be lawful for the Court of Session, or either Division thereof, on a summary Petition presented at the Instance of the Lord Advocate or of any Member of the County Board, to give such Directions and Orders to the County Board in regard to the imposing or levying of a Building Assessment as to them may seem fit.

Assessment to be levied on Lands and Heritages according to yearly Value, as established by 17 & 18 Vict. c. 91. and 20 & 21 Vict. c. 53.

XXXVI. Every Assessment under this Act shall be levied upon the Lands and Heritages within the County for which it is imposed, and the Burghs situated therein, according to the yearly Value of such Lands and Heritages as established by the Valuation Rolls in force for the Year of Assessment under an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland, and an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland, or either of the said Acts.

Assessments payable for the Period from Whitsunday to Whitsunday.

XXXVII. Every Assessment under this Act shall be payable for the Period from *Whitsunday* of the Year in which the same is imposed to the ensuing Term of *Whitsunday*: Provided that if there shall be any Deficiency in the Funds available during any Year for current Expenses, the same may be made good in imposing any subsequent Assessment; and

and if there be any Surplus of Funds for current Expenses at the Term of *Whitsunday*, the same may be applied to the current Expenses of the ensuing Year.

Assessments to be remitted to County Boards.

XXXVIII. The Persons charged with the levying and collecting of the Assessments as herein-after provided shall remit the same to the County Board free of all Expense and at the Risk of the Remitters; and any Portion of an Assessment which shall not be so remitted within Eight Months from the Date of the Notification shall bear Interest from and after such Term.

Commissioners of Supply to levy Assessments in Landward Part of County.

XXXIX. The Commissioners of Supply of each County are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages in the Landward Part of the County; and the said Commissioners are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid to the Convener of the County, to assess and levy and collect or direct the levying and collecting of the same, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears, with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and the said Commissioners shall proceed in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Assessments may be levied on Proprietor or Tenant, and when of small Amount may be postponed for Two or more Years.

XL. Assessments on Lands and Heritages in the Landward Parts of Counties may be levied either on the Proprietor or the Tenant; but the Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount thereof from the Rent payable by him: Provided always, that where such Assessment on Houses shall be of small Amount, it shall be competent to the said Commissioners to postpone the Collection of the same, to the Effect of collecting Two or more Years Assessment on Houses at One Time, as they may think proper: Provided also, that it shall be lawful to exempt from the annual Assessment to be levied on Lands and Heritages in the Landward Part of any County any Property the annual Value of which shall not exceed Two Pounds Sterling, on account of the Poverty of the Owner thereof.

Magistrates to levy Assessments in Burghs.

XLI. The Magistrates of each Burgh are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages within their respective Burghs; and the Magistrates of each Burgh are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid by the County Board to the Chief Magistrate, to levy and collect, or direct the levying and collecting of the same, together with such further

further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and they may proceed in like Manner and with the same Powers and Right of Action and Diligence, and of using Summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or general Assessment with which the said Magistrates may deem it most expedient that the Sum apportioned as aforesaid should be laid on and collected; and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessment are hereby empowered and required to do so: Provided that in any Burgh or Part thereof in which there may be no Municipal or Police or other general Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment hereby authorized along with any other existing Assessment, they shall collect the same in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Common Good and Revenues of Burghs may be applied in payment of Assessments.

XLII. Provided always, That in any Burgh in which the free yearly Proceeds of the Common Good Property and Revenues thereof may be judged by the Magistrates thereof to be sufficient to pay the Sum or any Part thereof, annually apportioned on such Burgh as aforesaid, after defraying the ordinary Municipal and Police Charges and Expenses and other annual Burdens chargeable on such Common Good Property or Revenues, including the Interest of Debts due by such Burgh, it shall be competent to the Magistrates thereof to pay so much of the Sum so apportioned on such Burgh as is due by that Part of the Burgh entitled to such Common Good Property and Revenues.

Assessment within Burghs to be divided between Proprietor and Tenant.

XLIII. Assessments within Burghs shall be payable by the Tenant or Occupier of the Lands and Heritages assessed; but the Tenant or Occupier by whom such Assessment shall be paid shall be entitled to deduct One Half of such Assessment from the Rent payable to the Proprietor or Person by whom such Property was let: Provided always, that One Half of such Assessment may be levied directly from the Proprietor of Lands and Heritages assessed within the Burgh: Provided also, that where the Rent is under Five Pounds the Magistrates of any Burgh may remit, on account of Poverty, the whole or any Part of the Assessment authorized by this Act to be levied from any Tenant or Occupier of Lands and Heritages within Burgh.

LXIV. The

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

XLIV. The whole Powers and Right of issuing Summary Warrant and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act; and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other Public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed; and Interest may be charged on any Assessment, and Proceedings taken for the Recovery thereof, on any Day either before or after the said ensuing Term of *Whitsunday*, provided that if such Day be before the Term, a Notice of the Amount payable shall have been delivered to or left at the Dwelling House or Place of Business of the Person liable in Payment Two Calendar Months before such Day.

Boundaries of Burghs for Purposes of this Act shall be as fixed by 17 & 18 Vict. c. 91., 20 & 21 Vict. c. 58., and 20 & 21 Vict. c. 70.

XLV. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; viz., (1) an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; (2) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland; (3) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to provide for the Extension of the Boundaries of Burghs in* Scotland, *and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes.*

Disputes arising as to Assessment may be summarily settled by the Sheriff.

XLVI. Any Dispute which may arise in adjusting the Boundaries of any Burgh, and any Dispute which may arise in imposing or levying the Assessments authorized by this Act between the Commissioners of Supply of Counties or the Magistrates of Burghs, or the Assessors, Collectors, or others acting under them, on the one Part, and any Person aggrieved on the other Part, for the Settlement of which Dispute no Provision shall be made under the Authority of this Act, and in case it shall not be convenient to raise and determine the same in the Sheriff's Small Debt Court, shall be determined in

a summary Manner by the Sheriff of the County in which such Dispute shall arise, who shall on a written Petition being presented to him by the Procurator Fiscal, or by any of the aforesaid Parties, appoint the Parties to appear before him, when he shall hear them, investigate the Matter in dispute in such Manner as he may think proper, and decide the same summarily; and the Decision of such Sheriff shall be final, and shall not be liable to Appeal or to Suspension, Advocation, or Reduction, or any other Form of Review.

Accounts to be published.

XLVII. The County Board of each County shall before the End of every financial Year publish detailed Accounts of their Receipts and Expenditure under and for the Purposes of this Act, which Accounts shall be printed, and a Copy thereof shall be furnished to the Commissioners of Supply of the County and to the Town Council of every Burgh situated therein.

Counties may unite for erecting and maintaining Local Prisons.

XLVIII. For the Purpose of erecting and maintaining Local Prisons, and paying the Expenses thereof, the Commissioners of Supply of Two or more Counties, and the Town Councils of the Burghs situated therein, shall have Power to form a Union of their respective Counties in manner following: The Proportion in which each County is to contribute to the Expense of such Prison, the Method of Management thereof, which may be by a Committee jointly appointed by the County Boards interested, and all other necessary Particulars, shall be set forth in a Minute or Agreement certified under the Hand of the Sheriff or Sheriffs of the respective Counties, and such Minute or Agreement on being published in the *Edinburgh Gazette* and in Two Newspapers circulated in the Counties so united, shall be binding on all Persons as if the same were Part of this Act; and when any such Union shall be formed, and when an Order under the Hand of One of Her Majesty's Principal Secretaries of State, fixing the Classes of Prisoners for which such Prisons shall be legal, shall take effect as herein provided, it shall be lawful for the Sheriffs and other Magistrates of the Counties forming the Union to exercise the same Jurisdiction with respect to such common Prison, and the Removal of Prisoners to and from the same, as if it were locally situated within their respective Counties, and the Provisions of this Act shall apply to the Removal of Prisoners to and from such Prison, as if the Counties so united were One County: Provided that the Prison of *Fort William* shall continue to be, to the Purport and Intent to which the same shall at the Commencement of this Act be, a Prison for the Use of the Counties of *Argyle* and *Inverness* respectively.

XLIX. Whereas Arrears of Assessment for Prison Purposes

As to Arrears of Assessment in Orkney.

have long been due by the Landward Part of the County of *Orkney*, and it is doubtful whether any considerable Portion thereof could now be recovered from the Parties originally liable therefor, or their Representatives: It shall be lawful for the Commissioners of Supply of the said County, along with any Assessment to be imposed and levied by them under the Authority of this Act, to impose, levy, and collect on and from the Proprietors and Tenants of Lands and Heritages in the Landward Part of the said County, such additional Sum as they shall think fit towards Payment of such Arrears; and such additional Sum shall be apportioned on the Lands and Heritages in such Landward Part in the same Manner as the Assessments authorized by this Act; and all the Provisions of this Act applicable to Assessments and the Recovery of the Sums assessed shall be applicable to such additional Sum.

Special local Arrangements in Ross and Cromarty, and Nairn.

L. The Commissioners of Supply for the Counties of *Ross* and *Cromarty*, and also for that Portion of the County of *Nairn* which is locally situated in the County of *Ross*, shall meet together for the Purposes of this Act at the usual Place of Meeting of the Commissioners of Supply of the County of *Ross*, and shall exercise the Powers conferred by this Act on Commissioners of Supply with respect to the said Counties of *Ross* and *Cromarty* and the said Portion of the County of *Nairn*.

Reformatories.

County Boards may contribute to Reformatories.

LI. A County Board may, with the Consent of the Commissioners of Supply of such County, resolve to contribute to any Reformatory in any Part of *Scotland* which has been certified by One of Her Majesty's Principal Secretaries of State, in Terms of an Act passed in the Seventeenth and Eighteenth Year of Her present Majesty, intituled *An Act for the better Care and Reformation of Youthful Offenders in* Great Britain, and on such Resolution, stating the Name of the Reformatory to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such Resolution, and if he intimate that he approves thereof, such County Board may from Time to Time pay over such Sum as they may think fit to the Directors and Managers of such Reformatory, and such Sum shall be a Charge on the Assessment for current Expenses: Provided, that if at any Time such Secretary of State shall notify his Withdrawal of such his Approval, it shall no longer be lawful for the County Board to contribute to such Reformatory.

Managers of the General Prison.

Appointment of Managers of the General Prison at Perth.

LII. The following Persons shall be and are hereby appointed Managers of the General Prison at *Perth*, any Two of whom shall be a Quorum; viz., the Sheriff Principal of the County of *Perth*, the Inspector of Prisons for *Scotland* appointed under an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, the Crown Agent in *Scotland* for the Time being, and One Person who shall be appointed and may be removed by Her Majesty, and shall receive such Salary as shall be fixed by the Commissioners of Her Majesty's Treasury, not exceeding Seven hundred Pounds a Year; and such last-mentioned Person shall also discharge all the Duties of Secretary to the Managers; and, except as herein provided, the Managers shall not derive any Profit or Emolument for the Performance of any Duties under this Act, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the exercise of the Powers herein contained.

5 & 6 W. 4. c. 38.

Office Accommodation of Managers.

LIII. The Managers shall have such Office Accommodation, and such Assistance of Clerks, Office Keepers, or Messengers, as One of Her Majesty's Principal Secretaries of State may from Time to Time direct.

Expenses of Managers to be paid out of Moneys voted by Parliament.

LIV. The Managers shall defray the Expenses incurred in the Performance of the various Duties and Functions hereby committed to them out of such Moneys as may be voted by Parliament for such Purposes respectively, and shall render their Accounts for such Expenditure to the Commissioners of Audit, in such Manner and at such Periods as the Commissioners of Her Majesty's Treasury may direct.

General Prison at Perth, and Rights, &c. belonging thereto, vested in the Commissioners of Works and Public Buildings.

LV. From and after the Commencement of this Act the General Prison at *Perth* as at the said Date belonging to and vested in the General Board of Directors of Prisons, and all Rights of Property, Action, or Recovery relative thereto, and all other Lands and Heritages at the said Date belonging to and vested in the said General Board shall be and are hereby transferred to and vested in the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes and subject to the Provisions of this Act: Provided that it shall be lawful for the Managers to sue for, recover, and discharge all Debts or Sums of Money due to the said General Board at the Commencement of this Act, and to receive from the said General Board all Moveable Property, Records, and Documents belonging

ing thereto, and to hold and dispose of the same for the Purposes and subject to the Provisions of this Act and to any Directions to be given relative thereto by One of Her Majesty's Principal Secretaries of State.

Managers to complete Matters left unfinished by General Board, and transmit Balances of Assessments to County Boards.

LVI. It shall be the Duty of the Managers, and they are hereby authorized and empowered to bring to Completion all Matters and Proceedings left by the General Board of Directors of Prisons uncompleted at the Commencement of this Act; and they shall receive from the said General Board, and remit to the several County Boards any Balances of Moneys raised within such Counties by Assessment in the Possession of, or at the Order, or under the Control of the said General Board at the Commencement of this Act.

Provision for collecting, arranging, and reporting Prison Statistics.

LVII. Whereas it is expedient that the Statistics regarding Prisons and Prisoners in *Scotland* should continue, as heretofore, to be collected and digested, and laid before Parliament in a tabular Form: The Clerks of the several County Boards shall and they are hereby required to transmit to the Managers such Returns as One of Her Majesty's Principal Secretaries of State shall from Time to Time direct, applicable to the Amount of Prison Accommodation in the County, the Number of Prisoners, their Ages, Sentences, Educational Condition, Health, Conduct, Casualties, Prison Punishments, the Receipts and Expenditure connected with the several Prisons, the Observance of the Rules, and other similar Matters.

Provision for Inquiries into Condition and Management of Prisons.

LVIII. The Managers, or any One or more of them, may, with the Authority in Writing of such Secretary of State, proceed to any Prison and inquire into the Condition and Management thereof, and may require Access to all Documents therein or in reference thereto, and may require the Attendance of any Witness, by Service by any Sheriff-Officer or Constable of a written Intimation to such Witness personally or at his usual Place of Residence, and may examine such Witness on Oath; and any Person interrupting such Inquiry, or failing, when required, to produce any Document, or to attend or give Evidence, shall, on summary Complaint and Conviction before the Sheriff, be liable to a Penalty not exceeding Ten Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Return of Sentences of Imprisonment to be made to Managers as in Sched. (B.)

LIX. When any Criminal shall have been sentenced the Clerk of the High Court of Justiciary, if such Sentence shall have been pronounced by the said High Court, or the Clerk of the Circuit Court of Justiciary, if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the County, if such Sentence shall have been pronounced by the Sheriff, shall within Eight Days after such Sentence shall have been pronounced make a Return thereof to

to the Managers, which Return shall be in the Form of the Schedule (B.) hereunto annexed.

Annual Report to be made to Secretary of State by Managers.

LX. The Managers shall, on or before the Fifteenth Day of *February* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State a full Report of their whole Proceedings during the Year ending on the Thirty-first Day of *December* preceding, and an Abstract of their whole Receipts and Expenditure, classifying the separate Articles thereof; and in the said Report, or in the Appendix thereto, there shall be set forth all new Rules or Alterations of Rules for Prisons which shall have been made by such Secretary of State as aforesaid, any Orders issued by such Secretary of State constituting a new Prison or altering the Classes of Prisoners for which a Prison is legal, and such Information and Statistics regarding Prisons in *Scotland* as such Secretary of State may require; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after the Fifteenth Day of *February*, if then assembled, or if Parliament shall not be then assembled within Fourteen Days after the next Meeting thereof.

General Prison and Custody of Convicts.

Managers, subject to Instructions of Secretary of State, to have the Administration of the General Prison.

LXI. The Managers, subject to the Provisions of this Act, and the Rules in force in Terms thereof, and also subject to such Instructions as they may from Time to Time receive from One of Her Majesty's Principal Secretaries of State, shall have the Administration and Government of the General Prison at *Perth*, and shall from Time to Time visit the said Prison: Provided that One or more of the Managers shall once at least in every Month see and communicate with each Prisoner, shall examine the Books, Accounts, and Documents kept in the Prison, shall inspect the Prison Premises and Stores, shall examine into the Conduct of the several Officers, shall investigate all Complaints and alleged or apparent Abuses, or Deviations from the Rules, shall inquire into the Cause and Nature of every Punishment that has been administered, shall ascertain how far the Health, Education, and Industrial Training of the Prisoners are in a satisfactory Condition, and shall make a Report in Writing, under these Heads, which shall be laid before and specially considered by the Managers and Visitors.

Rules to be made for the Staff of the General Prison.

LXII. Besides such Rules for the Government of the General Prison, and for the Custody, Discipline, and Dietaries of the several Classes of Prisoners therein, as may exist at the Commencement of this Act, or may thereafter be adopted,

Provision

Provision shall be made by further Rules for the Method in which the Establishment of Officers in the said Prison shall from Time to Time be adjusted, and for the Appointment and Dismissal of such Officers, and the fixing of their Salaries; and until such Rules come into force no Appointment or Dismissal of an Officer, and no Alteration of an Officer's Salary in the said Prison, shall take effect unless the same be approved by One of Her Majesty's Principal Secretaries of State.

Classes of Prisoners to be confined in the General Prison.

LXIII. The General Prison at *Perth* shall be a Prison for the Reception and Detention of Prisoners sentenced to Imprisonment by the Courts of Law in *Scotland*, and also for the Reception and Detention of such Convicts under Sentence or Order of Transportation or of Penal Servitude, as Her Majesty may please to direct to be removed to such General Prison under the Powers contained in an Act of the Tenth and Eleventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Law as to the Custody of Offenders;* and of an Act of the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to substitute in certain Cases other Punishments in lieu of Transportation;* and of an Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishments in lieu of Transportation.*

10 & 11 Vict. c. 67.

16 & 17 Vict. c. 99.

20 & 21 Vict. c. 3.

Sentences of Nine Months and upwards to be carried out in the General Prison.

LXIV. From and after the Commencement of this Act, when a Sentence is pronounced by any Court of competent Jurisdiction adjudging any Person to Imprisonment for a Period of Nine Months or upwards, such Sentence, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of any other Prison be mentioned therein or not, shall be deemed to be and is hereby declared to be a Sentence which may be carried into effect in the said General Prison, unless such Sentence contains a Clause especially declaring that the Prisoner shall not be removed to such General Prison; and any Person undergoing a Sentence which may be so carried into effect in the General Prison may be removed thereto at any time in Terms of the Provisions of this Act for the Removal of Prisoners; and if such Sentence adjudge the Prisoner to Hard Labour for any Period, Effect shall be given to such Adjudgment in the General Prison, so far as the same has not been carried into effect in a Local Prison.

Provisions for the Administration of

LXV. Whereas by an Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, Her Majesty

is empowered to appoint Places of Confinement within *England* and *Wales* for Male Convicts under Sentence or Order of Transportation; and by the herein-before recited Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, to substitute in certain Cases other Punishments in lieu of Transportation, it is provided that the Power to appoint such Places of Confinement, and other Provisions of the foresaid Act, shall extend and be applicable to and for the Appointment by Her Majesty of like Places of Confinement in any Part of the United Kingdom for Offenders, whether Male or Female, sentenced under the Provisions of such last-mentioned Act: If at any time Her Majesty shall be pleased to appoint such Place of Confinement in *Scotland*, the same shall be a lawful Place of Confinement for such Offenders, whether Male or Female, under Sentence or Order of Transportation or Penal Servitude, as Her Majesty, under the Powers of the herein-before recited Act to that effect, may be pleased to direct to be removed thereto; and all the Provisions of the before-recited Acts relating to such Places of Confinement, and to the Persons confined therein, shall be in force in any Place so appointed in *Scotland*, so far as the same shall be applicable thereto and are not superseded by the Provisions of this Act; and such Place of Confinement shall be deemed a Prison for the Purposes of this Act, and all the Provisions herein contained relative to the General Prison, so far as the same are applicable to Persons under Sentence or Order of Transportation or of Penal Servitude, shall apply to such Place of Confinement.

Convict Establishments appointed under existing Statutes.

Removals of Prisoners.

LXVI. When, by the Order, Declaration, or other Proceeding by which a Prison is rendered legal, certain Prisoners other than the Class for which it is legal are appointed to be removed to another Prison within the same County, such Removal, as well as all Removals of Prisoners from one Local Prison to another within the same County, shall be carried out by or under the Direction of the County Board; and all Persons employed in such Removals shall obey the Instructions received by them from the County Board, so far as the same are consistent with the Provisions of this Act; and the Expense of such Removals shall be a Charge on the Assessment for current Expenses.

As to Removals of Prisoners by County Boards.

LXVII. Save as herein excepted, all Removals of Prisoners from one Prison in *Scotland* to another Prison in *Scotland*, and all Removals of Convicts sentenced to Transportation or to Penal Servitude from any Prison in *Scotland* to any One of Her

As to Removals of Prisoners by Managers.

Her Majesty's Prisons or Penitentiaries in *England*, in virtue of Warrants granted by One of Her Majesty's Principal Secretaries of State under the Provisions of the Statutes to that Effect, shall be carried out by or under the Direction of the Managers, who may issue Regulations or Instructions for carrying out such Removals, and fix from Time to Time the Remuneration and Allowances to be paid to the Persons employed therein; and such Regulations and Instructions shall, so far as the same are not inconsistent with the existing Laws or Statutes, be binding on the Persons to whom any such Warrants by order of Her Majesty's Principal Secretaries of State are addressed, and all other Persons employed in carrying into effect such Removals of Prisoners.

As to Removals under Order of Secretary of State.

LXVIII. It shall be lawful, in virtue of an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to remove any Prisoner from any Prison in *Scotland* to any other Prison in *Scotland*, being a legal Prison for the Class of Prisoners to which such Prisoner belongs, and the Sentence or Warrant under which he is committed shall be as effectual in the Prison to which he is so removed as in the Prison named therein.

Prisoners removed to General Prison may be taken back to Local Prison.

LXIX. Any Prisoner sentenced to a Period of Imprisonment who has been removed from a Local Prison to the General Prison may, at any Time before the Expiry of his Sentence, be removed back to the Local Prison whence he was brought, under the Provisions of this Act relating to the Removal of Prisoners.

Not to interfere with Removal by Court of Law.

LXX. Nothing in this Act contained relating to the Removal of Prisoners shall affect the Power possessed by any Court of Law to direct the Removal of any Prisoner to be carried out by any Officer of such Court or other Officer of the Law.

Miscellaneous.

Persons who are entitled to visit Prisons.

LXXI. The following Persons shall be entitled to visit the several Prisons in *Scotland*; namely, Her Majesty's Principal Secretaries of State, or any Persons appointed by them or any of them, the Lords Lieutenant of Counties in *Scotland*, the Members of Her Majesty's Privy Council, the Judges of the Court of Session, the Lord Advocate and Solicitor General of *Scotland*, and the Managers appointed by or under the Authority of this Act: The following Persons shall also be entitled to visit the Local Prisons within their respective Counties and Burghs, namely, Sheriffs, Conveners of Commissioners of Supply, Members of County Prison Boards, Justices of the Peace, and Magistrates of Burghs; and any Person visiting a Prison

Prison which he is hereby empowered to visit shall have Access, if he desire it, to every Prisoner confined therein, or otherwise to such Prisoners as he may desire to see, and may report his Observations on the Discipline and Management of such Prison to the Administrators thereof, or to One of Her Majesty's Principal Secretaries of State: Provided that in any Rules for Prisons adopted under this Act Provision may be made for authorizing other Persons to visit any Prisons under such Restrictions as the Rules may contain; and that the Administrators of any Prison may by an Order in Writing grant special Permission to any Person to visit the same.

Removal of Prisoners diseased or in danger of Life to Hospitals, &c.

LXXII. When in reference to any Person confined in a Prison it is certified by Two Medical Practitioners who have visited and carefully examined him, that he is afflicted with any contagious or infectious Disease which renders his Removal necessary for the Health of the other inmates of the Prison, or that he is afflicted with any Disease which threatens immediate Danger to Life and cannot be treated in Prison, or that from his condition continued Confinement would cause his Death, it shall be lawful for the Sheriff, on summary Application at the Instance of the Administrators of the Prison, accompanied by such Certificate, to order the Prisoner to be removed to an Hospital or other fit Place, under such Precautions as to the Sheriff may seem necessary and proper.

As to Prisoners sentenced to Hard Labour.

LXXIII. When any Sentence awarded by any Court of competent Jurisdiction for any Crime or Offence is a Sentence to a Period of Imprisonment, to be accompanied, during either the whole or a Portion of such Period, with Hard Labour, such Hard Labour shall be exacted and performed in the Manner set forth in the Rules applicable to the Prison for the Time being under this Act; and in any Rules which may be hereafter made in Terms of this Act, it shall be competent to include Rules for carrying out Sentences of Hard Labour.

Power to order Male Juvenile Offenders to be punished by private Whipping.

LXXIV. In every Case where it is competent for any Judge or Magistrate to award Sentence of Imprisonment, or of Fine with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate, in the Case of any Juvenile Offender, being a Male, whose Age in the Opinion of such Judge or Magistrate shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment or of Imprisonment and Hard Labour, or in addition to Imprisonment or Imprisonment and Hard Labour, to be punished by private Whipping, in such Manner and according to such Regulations as have been or shall be made by the Lord Advocate of *Scotland* in that Behalf, and approved by One of Her Majesty's Principal Secretaries of State.

 LXXV. If

Penalty for introducing prohibited Articles into Prisons.

LXXV. If any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or by any other Means, to introduce, into any Prison in *Scotland* any Letters, Tobacco, Spirits, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him before the Sheriff, or any Two Justices of the Peace of the County, or any Magistrate of a Burgh in which such Prison is situated, who are hereby empowered to hear and determine such Offence in a summary Way; and if the Person complained of shall be lawfully convicted of such Offence, the Sheriff, Justices, or Magistrate shall forthwith sentence such Offender to Imprisonment, with or without Hard Labour, for any Period not exceeding One Month, unless such Offender shall immediately pay such Penalty, not exceeding Five Pounds nor less than Forty Shillings, as such Sheriff, Justices, or Magistrate shall impose; and such Penalty shall be applied towards the Expense of such Prosecution, and the Surplus, if any, towards the Maintenance of such Prison.

Laws as to Aliment and Liberation, and Responsibility for safe Custody continued.

LXXVI. The Sheriff shall continue to exercise the Powers and Jurisdiction at present possessed by him with respect to Applications and Proceedings for Aliment and for Liberation of Civil Prisoners, and nothing herein contained shall be held to alter the Law with respect to the Aliment of Prisoners, or Responsibility for the safe Custody of Prisoners.

8 & 9 Vict. c. 19. incorporated with this Act for Acquisition of Lands.

LXXVII. For enabling the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board to purchase, take, and acquire Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act: Provided that the Clauses of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Lands otherwise than by Agreement shall not be incorporated herewith, except for the Purpose of acquiring Lands adjoining to a Prison for the Purpose of enlarging such Prison; and the Expression "the Special Act" in the said Lands Clauses Consolidation Act shall mean this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall mean and include the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board seeking to acquire Lands under this Act.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TABLE of COUNTY PRISON BOARDS, containing the Number of Members to be appointed for the Landward Part of each County by the Commissioners of Supply thereof; for the Burghs situated in each County by the Magistrates thereof.

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
1. Aberdeen .	Landward Part	15
	Aberdeen . .	7
	Peterhead . .	1
		23
2. Argyle . .	Landward Part	11
	Campbeltown	1
		12
3. Ayr . . .	Landward Part	15
	Ayr	1
	Irvine . . .	1
	Kilmarnock .	2
		19
4. Banff . .	Landward Part	7
	Banff . . .	1
		8
5. Berwick .	Landward Part	9
6. Bute . . .	Landward Part	4
	Rothesay . .	3
		7
7. Caithness .	Landward Part	7
8. Clackmannan	Landward Part	6
9. Dumbarton	Landward Part	7
	Dumbarton .	1
		8
10. Dumfries	Landward Part	14
	Dumfries . .	2
		16
11. Edinburgh	Landward Part	6
	Edinburgh . .	9
	Leith . . .	2
	Musselburgh .	1
	Portobello . .	1
		19
12. Elgin . .	Landward Part	7
	Elgin . . .	1
		8
13. Fife . .	Landward Part	13
	Cupar . . .	1
	Dunfermline .	2
	Dysart . . .	1
	Kirkcaldy . .	1
	St Andrews .	1
		19

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
14. Forfar . .	Landward Part	10
	Arbroath . .	2
	Brechin . . .	1
	Dundee . . .	6
	Forfar . . .	1
	Montrose . .	2
		22
15. Haddington	Landward Part	8
	Dunbar . . .	1
	Haddington .	1
		10
16. Inverness .	Landward Part	13
	Inverness . .	2
		15
17. Kincardine	Landward Part	6
18. Kinross . .	Landward Part	6
19. Kirkcudbright	Landward Part	8
20. Lanark . .	Landward Part	10
	Airdrie . . .	1
	Glasgow . .	14
	Hamilton . .	1
	Lanark . .	1
	Rutherglen .	1
		28
21. Linlithgow	Landward Part	6
	Linlithgow .	1
		7
22. Nairn . .	Landward Part	5
	Nairn . . .	2
		7

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
23. Orkney .	Landward Part	7
24. Peebles .	Landward Part	6
	Peebles . . .	1
		7
25. Perth . .	Landward Part	16
	Perth . . .	3
		19
26. Renfrew .	Landward Part	10
	Greenock . .	5
	Paisley . . .	5
	Port-Glasgow	1
	Renfrew . .	1
		22
27. Ross and Cromarty	Landward Part	15
28. Roxburgh	Landward Part	11
	Jedburgh . .	1
		12
29. Selkirk .	Landward Part	4
	Selkirk . . .	2
		6
30. Stirling .	Landward Part	9
	Stirling . . .	2
	Falkirk . . .	1
		12
31. Sutherland	Landward Part	6
32. Wigtown	Landward Part	12
	Stranraer . .	2
		14
33. Zetland .	Landward Part	8

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SCHEDULE (B.)

Name.	Sex.	Age.	Occupation.	Married or Unmarried.	Offence.	County where Offence committed.	Date of Offence.	Number of previous Convictions, and from what Courts.	Sentence. *	Date of Sentence.

* The Period for which the Prisoner is sentenced to be imprisoned, and the Prison in which he is sentenced to be confined, are to be inserted under this Head.

CAP. CVI.

An Act to amend the Lands Clauses Consolidation Acts (1845) *in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts.*—[20*th* August 1860.]

WHEREAS it is expedient to extend the Provisions of the Lands Clauses Consolidation Acts, 1845, in regard to Sales of Land, or Compensation for Damages, in consideration of an annual Rentcharge, Annual Feu Duty or Ground Annual 8 & 9 Vict. c. 18.

Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Act for the Purchase of Lands wanted for the Service of the War Department or for the Defence of the Realm: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of Sect. 10. of recited Act repealed.

I. So much of the Tenth Section of the Lands Clauses Consolidation Act, 1845, as provides that, save in the Case of Lands of which any Person is seised in fee or entitled to dispose absolutely for their own Benefit, the Consideration to be paid for any Lands, or for any Damage done thereto, shall be in a gross Sum, is hereby repealed.

Sects. 10. and 11. of recited Act, as to Power to sell, &c. Lands for an annual Rentcharge, and to recover, extended to all Sales, &c. where Parties are under Disability.

II. The Power to sell and convey Lands in consideration of an annual Rentcharge provided by the Tenth Section of the said Act, and the Power to recover such Rentcharge provided by the Eleventh Section of the said Act, are hereby extended to all Cases of Sale and Purchase or Compensation under the said Act where the Parties interested in such Sale, or entitled to such Compensation, are under any Disability or Incapacity, and have no Power to sell or convey such Lands, or to receive such Compensation, except under the Provisions of the said Act.

Similar Proviso with regard to Lands sold under Sect. 10. of 8 & 9 Vict. c. 19.

III. The Power to sell and convey Lands in consideration of an Annual Feu Duty or Ground Annual, under the Tenth Section of the Lands Clauses Consolidation *Scotland* Act, 1845, and the Power to recover such Annual Feu Duty or Ground Annual, are hereby extended to all Cases of Sale, or Purchase or Compensation under the said Act, where the Parties interested in such Sale are under any Disability or Incapacity, and have no Power to sell or convey such Lands, or to receive such Compensation, except under the Provisions of the said Act.

Amount of Rentcharge to be settled in manner directed in the 9th Section of recited Acts.

IV. In every Case of such Sale or Compensation by any Parties other than Parties seised in fee or entitled to dispose absolutely of the Lands so sold or damaged, the Amount of such Rentcharge, Annual Feu Duty or Ground Annual, hereinbefore mentioned, shall be settled in the Manner directed in the Ninth Section of each of the said Acts respectively: Provided, that the Amount of such Annual Rentcharge, Annual Feu Duty or Ground Annual, shall in no case be less than One Fourth part greater than the Net annual Rent received by the parties beneficially interested in such Lands, upon an average of the last Seven Years; and that a Charge of Five *per Cent.* on

on the gross Sum estimated or fixed as aforesaid, by way of Compensation for any Damage that may be done to the said Lands, shall in all such Cases be added to and shall form a Part of the said Rentcharge, Annual Feu Duty or Ground Annual; and that no Fine, Foregift, Grassum, Premium, or other Consideration in the Nature thereof, shall be paid or taken in respect of the Lands so sold or damaged, other than the Annual Rentcharge, Annual Feu Duty or Ground Annual, made payable for such Lands: Provided also, that such Rentcharge shall be and remain upon and for the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so conveyed stood settled or assured at or immediately before the Conveyance thereof, and shall be a First Charge on the Tolls and Rates, if any, payable under the special Act.

If Lands purchased by way of Rentcharge, borrowing Powers to be reduced proportionally.

V. In case the Promoters of the Undertaking shall be empowered, by any Act or Acts relating thereto, to be passed after the passing of this Act, to borrow Money to an Amount not exceeding a prescribed Sum, then in the event of the Promoters of the Undertaking agreeing at any Time after the passing of this Act with any Person, under the Powers of this Act and of either of the Acts herein-before mentioned, or of either of the said Acts, only, for the Purchase of any Lands in consideration of the Payment of a Rentcharge, Annual Feu Duty or Ground Annual, the Powers of the Promoters of the Undertaking for borrowing Money shall be reduced by an Amount equal to Twenty Years Purchase of any Rentcharge, Annual Feu Duty or Ground Annual, so for the Time being payable.

Certain Clauses in 8 & 9 Vict. c. 18. extended to Purchases of Land, &c. for public Purposes.

VI. The Clauses contained in "The Lands Clauses Consolidation Act (1845)," relating to the Purchase of Lands by Agreement, and to Agreements for Sale and Conveyances, Sales, and Releases of any Lands or Hereditaments, or any Estate or Interest therein, by Parties under Disability, shall extend and be applicable to all Purchases of Land and Hereditaments for public Purposes which shall be hereafter made by the Council of any City or Borough, with the Sanction of the Commissioners of Her Majesty's Treasury, under the Powers for that Purpose contained in "The Municipal Corporation Mortgages, &c. Act (1860)."

Power to Secretary for War to use the Powers given to Promoters of Undertakings by

VII. For the Purchase or Acquisition of any Messuages, Lands, Tenements, and Hereditaments wanted for the Service of the Admiralty or of the War Department or for the Defence of the Realm, it shall be lawful for Her Majesty's Principal Secretary of State for the War Department for the Time being to use all or any of the Powers and Provisions by the Lands Clauses Consolidation Act, 1845, and by the Lands Clauses

8 & 9 Vict. c. 18.

Clauses Consolidation (*Scotland*) Act, 1845, given to Promoters of the Undertaking, as therein mentioned, and for such Purposes the said Principal Secretary shall be deemed and taken to be the Promoters of an Undertaking within the Meaning of the said Act, and all the Powers and Provisions thereof shall, if used by Her Majesty's Principal Secretary of State for the War Department, be treated as if they were contained in the Fifth and Sixth *Victoria*, Chapter Ninety-four, for the Purpose of being used and made available by the Principal Officers of Her Majesty's Ordnance, and had been transferred to the said Principal Secretary for the Time being by the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and seventeen, for the Purposes aforesaid: Provided always, that nothing herein contained shall authorize any Purchase otherwise than by Agreement of any Land, except according to the Provisions of the Twenty-third Section of the said Act of the Fifth and Sixth *Victoria*, or prejudice or affect the Powers and Authorities of the said Principal Secretary for the Time being under the said last-mentioned Statutes, or either of them.

This Act and 8 & 9 Vict. cc. 18. and 19. to be construed together.

VIII. This Act shall be read and construed as Part of the said Lands Clauses Consolidation Act, 1845, or of the Lands Clauses Consolidation (*Scotland*) Act, 1845, in all Matters in which it relates to the said Acts respectively; and in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

CAP. CVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences in Ireland.—[28*th* August 1860.]

CAP. CVIII.

An Act to amend the Industrial Schools Act, 1857.—[28*th* August 1860.] (England).

CAP. CIX.

An Act for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover *and* Portland, *and of creating a Central Arsenal.*—[28*th* August 1860.]

CAP. CX.

An Act to consolidate the Duties of Customs.—[28*th* August 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In lieu of the Duties and Drawbacks of Customs, Rates, and Charges now payable on the Importation or Exportation of Goods into or from *Great Britain* and *Ireland*, there shall be charged and allowed on the Importation into and Exportation from *Great Britain* and *Ireland* of the following Articles the several Duties and Drawbacks of Customs, Rates, and Charges herein-after mentioned.

In lieu of the Duties, &c. now payable, the Duties, Rates, &c. to be charged as herein mentioned.

DUTIES of CUSTOMS, &c.

	£	s.	d.
1. Beer and Ale; viz.,			
——— Mum - - - the Barrel	1	0	0
——— Spruce - - - the Barrel	1	0	0
——— of other Sorts - - the Barrel	1	0	0
2. Cards; viz.,			
—— Playing Cards - - the Dozen Packs	0	15	0
3. Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz.,			
——— raw or kiln-dried - - the Cwt.	0	6	0
——— roasted or ground - - the lb.	0	0	4
4. Chloroform - - - - the lb.	0	3	0

		£	s.	d.
5. Cocoa - - - -	the lb.	0	0	1
—— Husks and Shells - -	the Cwt.	0	2	0
—— Paste or Chocolate - -	the lb.	0	0	2
6. Coffee - - - - -	the lb.	0	0	3
—— kiln-dried, roasted, or ground -	the lb.	0	0	4
A Drawback shall be allowed on all roasted Coffee exported as Ship's Stores, or removed to the Isle of Man for Consumption there, equal in Amount to the Import Duty on raw Coffee.				
7. Corks, ready made, until 31st March 1862 inclusive - - -	the lb.	0	0	3
8. Corn, Grain, Meal, and Flour, and Articles of the like character; viz.:—				
—— Wheat - - -	each the Quarter	0	1	0
—— Barley - - -				
—— Oats - - -				
—— Rye - - -				
—— Pease - - -				
—— Beans (not Kidney or French) - - -				
—— Maize or Indian Corn -				
—— Buck Wheat - -				
—— Bear or Bigg - -				
—— Wheat Meal and Flour -	each the Cwt.	0	0	4½
—— Barley Meal - -				
—— Oat Meal and Groats -				
—— Rye Meal and Flour -				
—— Pea Meal - - -				
—— Bean Meal - -				
—— Maize or Indian Corn Meal				
—— Buck Wheat Meal -				
—— Meal, not otherwise enumerated or described -				
—— Arrow Root - -				
—— Barley, pearled - -				
—— Biscuit and Bread -				
—— Cassava Powder - -				
—— Macaroni - - - -				
—— Mandioca Flour - -				
—— Manna Croup - - -				
—— Potatoe Flour - -				
—— Powder, viz., Hair -				
—— —— Perfumed - -				
—— —— Not otherwise enumerated or described that will serve the same Purpose as Starch - -				

		£	s.	d.
Corn, Grain, Meal, and Flour, and Articles of the like Character, continued; viz.:—				
—— Rice Dust and Meal —— Sago —— Semolina —— Starch —— —— Gum of, torrified or calcined —— Tapioca —— Vermicelli	each the Cwt.	0	0	4½
9. Dice	the Pair	1	1	0
10. Essence of Spruce	for every £100 Value	10	0	0
11. Fruit, not Raw nor preserved in Sugar; viz., —— Currants —— Figs —— Fig Cake —— Plums, commonly called French Plums, and Prunelloes —— —— Dried or preserved (except in Sugar), not otherwise described —— Prunes —— Raisins	each the Cwt.	0	7	0
12. Hats or Bonnets, until 31st March 1861 inclusive; viz.,				
—————— of Chip	the lb.	0	1	3
—————— of Bast, Cane, or Horsehair	the lb.	0	1	3
—————— of Straw	the lb.	0	1	3
13. Hops, until 31st December 1860 inclusive	the Cwt.	2	5	0
—— from 1st January 1861 to 31st December 1861 inclusive	the Cwt.	1	0	0
—— from and after that Date	the Cwt.	0	15	0
14. Malt	the Quarter	1	5	0
15. Paper, on and after the 16th August 1860; viz.,				
—— Brown Paper, made of old Rope or Cordage only without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith	the Cwt.	0	16	0
—— Printed, painted, or stained Paper Hangings, or Flock Paper	the Cwt.	0	14	0
—— Gilt, stained, coloured, embossed, and all Fancy Kinds, not being Paper Hangings	the Cwt.	0	16	0
—— Waste Paper, or Paper of any Sort, not particularly enume-				

	£	s.	d.
Paper, continued, viz. :—			
rated or described, not otherwise charged with Duty - - - the Cwt.	0	16	0
——— Millboards - - - - the Cwt.	0	16	0
——— Pasteboard, - - - - the Cwt.	0	15	0
——— Books ; viz.,			
——— ——— being of Editions printed in or since the Year 1801, bound or unbound - - the Cwt.	0	16	0
——— ——— admitted under Treaties of International Copyright, or if of and from any British Possession the Cwt.	0	15	0
——— Prints, and Drawings ; viz.,			
——— ——— Plain or coloured - the Cwt.	0	16	0
——— ——— &c. admitted under Treaties of International Copyright - the Cwt.	0	15	0
——— ——— or and at the Option of the Importer,			
——— ——— Single - each	0	0	$0\frac{1}{2}$
——— ——— Bound - the Dozen	0	0	$1\frac{1}{2}$
16. Pepper of all Sorts - - - the lb.	0	0	6
and 5*l.* per Cent. thereon.			
17. Plate ; viz.,			
——— of Gold - - - the Ounce Troy	0	17	0
——— of Silver, gilt or ungilt - the Ounce Troy	0	1	6
18. Ships, with their Tackle, Apparel, and Furniture ; viz.,			
Foreign, built of Wood, and Ships built of Wood in any of Her Majesty's Possessions abroad, on the Registration thereof as British Ships at any Port or Place for the Registry of British Ships in Great Britain and Ireland, for every Ton of the gross registered Tonnage without any Deduction in respect of Engine Room or otherwise	0	1	0
19. Spirits or Strong Waters, not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, on and after the 17th July 1860; viz.,			
——— Brandy - - - the Gallon	0	10	5
——— Geneva - - - the Gallon	0	10	5
——— Rum of and from any Foreign Country, being the Country of its Production the Gallon	0	10	2

	£	s.	d.
Spirits, continued, viz. :—			
—— Rum from any Country not being the Country of its Production - the Gallon	0	10	5
—— Tafia of and from any Colony of France the Gallon	0	10	2
—— Rum and Spirits of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, the Gallon	0	10	2
—— Unenumerated - - - the Gallon	0	10	5
Other Spirits, being sweetened or mixed so that the Degree of Strength cannot be ascertained as aforesaid, on and after the 17th July 1860; viz.,			
——— Rum, Shrub, Liqueurs and Cordials, of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - the Gallon	0	10	2
——— Perfumed Spirits, to be used as Perfumery only, - - - the Gallon	0	14	0
——— Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon) - - - each	0	0	6
Water, Cologne, when not in Flasks to be charged as "perfumed Spirits," viz. the Gallon	0	14	0
——— Unenumerated - - the Gallon	0	14	0
Spirits or Strong Waters, imported into the United Kingdom, mixed with any Ingredient, and although thereby coming under some other Designation, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.			
20. Sugar, and Articles composed thereof or sweetened therewith, until the 30th June 1861 inclusive; viz.,			
—— Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - the Cwt.	0	18	4
—— White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - - the Cwt.	0	16	0
—— Yellow Muscovado and Brown Clayed Sugar,			

		£	s.	d.
Sugar, continued, viz. :—				
or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed and not equal to White Clayed	the Cwt.	0	13	10
—— Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
—— Cane Juice	the Cwt.	0	10	4
—— Molasses	the Cwt.	0	5	0
—— Almonds, Paste of —— Cherries, dried —— Comfits, dry —— Confectionery —— Ginger, preserved —— Marmalade —— Plums, preserved —— Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	each the lb.	0	0	2

The following Drawbacks on the several Descriptions of Refined Sugar herein-after mentioned, shall, until the Thirtieth Day of *June* One thousand eight hundred and sixty-one inclusive, be allowed on Exportation thereof to Foreign Parts, or on Removal to the *Isle of Man* for Consumption there, or on deposit thereof in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery therefrom as Ships Stores only, or for the Purpose of sweetening *British* Spirits in Bond; that is to say,

	£	s.	d.
—— Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3. approved by the Lords of the Treasury for every Cwt.	0	17	2
—— Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate			

		£	s.	d.
	Sugar, continued, viz. :—			
	Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
	—— Upon Refined Sugar, unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1. approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
	—— Upon Bastard or Refined Sugar unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2. approved by the Lords of the Treasury, for every Cwt.	0	15	1
	—— Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2. - for every Cwt.	0	12	8
21.	Tea, until the 30th June 1861 inclusive the lb.	0	1	5
22.	Tobacco, the following Duties, with £5 per Cent. thereon ; viz.,			
	——— Unmanufactured, stemmed, or stripped the lb.	0	3	0
	——— ——— Unstemmed - the lb.	0	3	0
	——— Manufactured, or Segars - the lb.	0	9	0
	——— Snuff - - - - the lb.	0	6	0
	——— Stalks, and Flour of, and Snuff Work -	prohibited.		
	——— Manufactured in Great Britain or Ireland, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds Net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores - - the lb.	0	2	7½
	with £5 per Cent. thereon.			
23.	Varnish, containing any Quantity of Alcohol or Spirit - - - - - the Gallon	0	12	0
24.	Vinegar - - - - - the Gallon	0	0	3
	——— Pickles, preserved in - - the Gallon	0	0	1
	Water, Cologne. *See* Spirits.			
25.	Wine, until the 31st December 1860 inclusive ; viz.,			
	——— Red - - - the Gallon	0	3	0
	——— White - - - the Gallon	0	3	0
	——— Lees of such Wine - - the Gallon	0	3	0
	——— The Growth and Produce of any British			

	£	s.	d.
Wine, continued, viz. :— Possession, and imported direct from thence, the following Duties and £5 per Cent. thereon, viz.			
——— Red - - - the Gallon	0	2	9
——— White - - - the Gallon	0	2	9
——— Lees of such Wine - the Gallon	0	2	9

The full Duties on Wine may be drawn back upon Exportation or Shipment as Stores on or before the 31st December 1860 inclusive, but not on Lees of Wine.

On and after the 1st Day of January 1861— And without any Allowance for Drawback.

Containing less than the following Rates of Proof Spirits, verified by Sykes's Hydrometer, viz. :—	18 Degrees.			26 Degrees.			40 Degrees.			45 Degrees.			If imported in Bottles and containing less than 40 Degrees.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
—— Red - the Gallon	0	1	0	0	1	9	0	2	5	0	2	11	0	2	5
—— White the Gallon	0	1	0	0	1	9	0	2	5	0	2	11	0	2	5
—— Lees of such Wine the Gallon	0	1	0	0	1	9	0	2	5	0	2	11	0	2	5

All Wine containing 45 per Cent. and upwards of Proof Spirit, as verified by Sykes's Hydrometer, imported into Great Britain and Ireland shall be deemed to be mixed Spirits and charged with Duty as such. And no more than 10 per Cent. of such Proof Spirit, shall be used in the fortifying of any Wine in Bond ; nor shall any Wine be fortified in Bond to a greater Degree of Strength than 40 per Cent. of such Proof Spirit.

26. Wood and Timber, Foreign and Colonial; viz.,			
——— Hewn - - - the Load	0	1	0
——— Sawn or split, planed or dressed the Load	0	2	0
——— Firewood - - - the Load	0	1	0
——— Hoops - - - the Load	0	2	0
——— Lathwood - - - the Load	0	1	0
——— Shovel Hilts - - - the Load	0	2	0
——— Staves, exceeding 72 Inches in Length, 7 Inches in Breadth, or $3\frac{1}{4}$ Inches in Thickness - the Load	0	2	0
——— Staves not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor $3\frac{1}{4}$ Inches in			

		£	s.	d.
Wood and Timber, Foreign and Colonial, continued, viz.: Thickness (except Staves for Herring Barrels) - -	the Load	0	1	0
—— Teak and Wood for Shipbuilding Purposes, formerly admitted free, and Treenails of all Sorts	the Load	0	1	0
—— Furniture or Hard Woods; viz., —— —— Amboyna Wood - —— —— Beefwood - - —— —— Blackwood - - —— —— Boxwood - - —— —— Cedar - - —— —— Cherry Wood - —— —— Cochinella - - —— —— Ebony - - —— —— Kingwood - - —— —— Lignum Vitæ - —— —— Mahogany - - —— —— Maple - - —— —— New Zealand - —— —— Olive Wood - —— —— Partridge Wood - —— —— Purple Wood - —— —— Rosewood - - —— —— Santa Maria Wood - —— —— Satin Wood - —— —— Saunders or Sandal White or Yellow —— —— Speckled Wood - —— —— Sweetwood - —— —— Tulip Wood - - —— —— Walnut Wood (except Gun Stocks) - —— —— Zebra Wood - —— Furniture and Hard Woods unenumerated (except Veneers), not being Ash, Beech, Birch, Elm, Oak, and Wainscot -	each the Ton	0	1	0

A Drawback on the Exportation of Wood and Timber, proportionate to the Duties of Customs paid thereon, shall be allowed: Provided, that the Person entitled thereto and claiming the same shall make and subscribe a Declaration that the Goods in respect of which he claims such Drawbacks are of Foreign or Colonial Produce, as the Case may be, and show to the Satisfaction of the Commissioners of Customs that Customs Duties to the like Amount have been paid thereon upon the Importation thereof.

Goods not prohibited to be imported into or used in *Great Britain* or *Ireland*, composed of any Article liable to Duty as a Part or Ingredient thereof, shall be chargeable with the full Duty payable on such Article, or if composed of more than One Article liable to Duty, then with the full Duty payable on the Article charged with the highest Rate of Duty.

Rates and Charges on Importation.

There shall be charged (irrespective of any Duties of Customs or other Rates or Charges payable by Law) upon the Importation of all Goods into *Great Britain* and *Ireland*, except Corn, Grain, and Flour, and Timber and Wood Goods, and Goods in Transit exported under Bond, and Goods imported for Exportation in the same Ship, provided they be so reported, the respective Rates and Charges following as defined and required by the Provisions of "The Customs Tariff Amendment Act, 1860," and under and subject thereto; that is to say,

	s.	*d.*
Goods in Packages or Parcels, per Package or Parcel or other Unit of Entry - - - -	0	1
Goods in Bulk by Weight, Measure, or Number, for each Unit of Entry - - - - -	0	1
Animals, per Head or other Unit of Entry - -	0	1

Charges on Goods on Delivery from Warehouse for Home Consumption.

There shall be charged upon Goods deposited in any Warehouse for Security of Duties of Customs, in addition to such Duties and any other Charges thereon, for every One hundred Pounds of such Duties of Customs payable thereon, the Rates following; viz.:

	£	*s.*	*d.*
On Delivery for Home Consumption from any Warehouse approved under the "Customs Consolidation Act, 1853,"			
In respect of Tobacco, - - -	0	2	6
In respect of other Goods - -	0	5	0
Whether such Tobacco or other Goods shall have been removed to such Warehouse under Bond or not.			
On Delivery for Home Consumption from any Warehouse at any Port or Place not possessing the Privileges of Bonding at the Time of the passing			

Charges on Delivery of Goods from Warehouse, continued.

	£	s.	d.
of this Act, or from any Warehouse approved under any Act other than the "Customs Consolidation Act, 1853," viz.,			
In respect of Tobacco - -	0	5	0
In respect of other Goods - -	0	10	0

CHARGES ON GOODS EXPORTED.

	s.	d.
There shall be charged, (irrespective of any Duties of Customs or other Rates or Charges payable by Law,) upon every Customs Bill of Lading, on the Exportation of any Goods from *Great Britain* and *Ireland*, as required by the Provisions of "The Customs Tariff Amendment Act, 1860," and under and subject thereto - - - - - -	1	6

Repeal of Prohibition of Malt.

II. So much of the "Customs Consolidation Act, 1853," as prohibits the Importation of Malt into the United Kingdom is hereby repealed.

Prohibition of Extracts of Malt, &c.

III. Extracts and Essences of Malt and of Hops and other Concentrations thereof respectively, which are or may be applicable to the same Purposes, are hereby prohibited to be imported into *Great Britain* and *Ireland*.

Description of Goods in Entry.

IV. Upon the Entry of any Goods liable to Duties of Customs, the same shall be described in the Entry thereof according to the Denominations, Weight, Measure, Number, Quantity, or Value, as the Case may be, set forth in this Act, or in such other Manner as the Lords of the Treasury or the Commissioners of Customs may at any Time or from Time to Time direct.

Rates, if exceeding Ten Shillings, may be paid in Cash.

V. If the Rates of One Penny *per* Unit of Entry made payable under Section Nineteen of "The Customs Tariff Amendment Act, 1860," by Stamps, shall amount to more than Ten Shillings upon any Entry or Entries or other Document or Documents to which the Commissioners of Customs are authorized to direct the same to be affixed, the same may, at the Option of the Person liable thereto, with the Sanction of the said Commissioners, and under such Regulations as they may see fit, be paid in Cash.

Agent to act for Captain, &c.

VI. When any Act required by the said last-mentioned Act to be done by the Master of any Ship, or his Agent, at or after the final Clearance of the Ship, shall not have been so done before

before the Departure of the Ship, his Agent shall do and perform the same under and subject to the Penalties imposed by the said Act for Nonperformance thereof; and in order to the Identity of such Agent for that Purpose, such Agent shall countersign the Content of the Ship at or before the Clearance thereof by himself or the Clerk acting for him in the Clearance of such Ship; and any Agent either of the Master of any Ship or of the Exporter of any Goods who shall withhold any Customs Bill of Lading, Specification, or other Instrument required by the said Act to be delivered to the proper Officer of Customs, by the Master of any Ship or his Agent, or by the Exporter of any Goods or his Agent, shall be subject and liable to the Penalties thereby imposed by the said Act on the Master of any Ship, or the Exporter of any Goods for default in the Delivery of such Customs Bill of Lading, Specifications or other Instrument within the Time prescribed for Delivery thereof respectively.

Commencement of Act.

Short Title.

VII. This Act shall come into operation on the Day of the passing thereof, except as otherwise provided herein; and in citing it in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the expression "The Customs Duties Consolidation Act, 1860."

CAP. CXI.

An Act for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties.—[28*th* August 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses, and making a permanent Addition to the Public Revenue, have freely and voluntarily resolved to grant unto Your Majesty the Duties herein-after mentioned; and do humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the Day of the passing of this Act there shall

shall be granted, raised, levied, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, for the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule, or for or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Stamp Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Instruments, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and shall be applied and put in execution accordingly: Provided that nothing herein contained shall in any way alter or affect the Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, entitled *An Act to confer certain Powers on the Railway Passengers Assurance Company*, or the Duties thereby imposed.

After passing of this Act the Duties described in Schedule to be charged.

II. The Stamp Duties now payable for and in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, whereon other Duties are by this Act granted, shall respectively from and after the Day of the passing of this Act cease and determine, and the same are hereby repealed: Provided that the Stamp Duties now chargeable on any of the said Instruments, Matters, and Things, and not the said other new Duties, shall be payable in respect of such of them as shall be made, signed, or dated at any Time before or upon the Day of the passing of this Act.

Stamp Duties now payable on Instruments, &c. mentioned in Schedule repealed.

III. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, the Allowances granted respectively by the Eighteenth Section of the Act passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-seven, in respect of Stamps for Receipts, and by the Twenty-fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-three, in respect of Stamps for Drafts, Bills, and Notes, and any Allowance granted by or payable under any other Act in respect of any of the Stamps herein-after mentioned, shall cease; and in lieu thereof there shall be granted and allowed to every Person who at one and the same Time shall produce at the Office of the Commissioners of Inland Revenue in *London* or *Dublin* Paper to be stamped with Stamps for denoting any Rate of Duty not exceeding One Shilling on Bills of Exchange, Drafts, or Orders, or Promissory Notes, or Stamps for

Allowances on Bill and Receipt Stamps granted by Acts 13 & 14 Vict. c. 97. and 17 & 18 Vict. c. 83. to cease, and an Allowance granted in lieu thereof.

for denoting the Duty of One Penny on any Instrument or Document whatever, (except Postage Stamps and Customs Stamps,) to the Amount of Two Pounds or upwards in the whole of all or any of such Stamps as aforesaid, and to every Person who at one and the same Time shall Purchase any such Stamps as aforesaid at the Office of the said Commissioners in *London*, *Edinburgh*, or *Dublin*, to the Amount aforesaid, or of any Distributor or Sub-Distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively, to the Amount of One Pound or upwards, an Allowance of Tenpence for every Twenty Shillings of the Amount of the Duties denoted by such Stamps.

Provisions of former Acts to apply to this Act.

IV. All the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in the United Kingdom and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable in all Cases not hereby expressly provided for; and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted.

The Duties on Foreign Promissory Notes to be denoted by adhesive Stamps.

V. The Duties by this Act granted on Promissory Notes made or purporting to be made out of the United Kingdom shall be denoted by adhesive Stamps, to be provided by the Commissioners of Inland Revenue for the Purpose, or by any Stamps of sufficient Amount which shall have been provided for denoting the Duties on Bills of Exchange made out of the United Kingdom; and the proper adhesive Stamp for denoting the Duty on any such Note shall be affixed thereon, and be cancelled at the same Time and Times, and in like Manner as is provided by the Fifth Section of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-three, and the Twelfth Section of an Act passed in the present Session, Chapter Fifteen, in the case of Bills of Exchange therein respectively mentioned, and under the

the like Penalties respectively for any Neglect thereof; and the said respective Sections shall be read as if the same were inserted in this Act expressly in reference to the Promissory Notes aforesaid, and the Duties by this Act granted thereon, as well as to the Bills of Exchange therein respectively mentioned.

Construction of Terms "Contract Note" and "Insurance."

VI. The Term "Contract Note," wherever the same is used in this Act, shall mean any Note or Memorandum mentioned or referred to under the Head Contract Note in the Schedule to this Act; and the Term "Insurance" shall mean also and shall include the Term "Assurance."

Stamps on Contract Notes may be impressed or adhesive; if adhesive, to be cancelled.

VII. The Stamp Duty on Contract Notes may be denoted either by impressed or adhesive Stamps, and the said Commissioners shall provide Stamps of both Descriptions; and in any Case where a Contract Note is made, and the same is not written on an impressed Stamp, there shall be affixed thereon a proper adhesive Stamp; and every Person who shall make or sign a Contract Note to which an adhesive Stamp shall be affixed shall effectually cancel and obliterate the Stamp by writing upon or across it his Name or the Name of his Firm, or the Initials thereof respectively, and by adding thereto the Date of such cancelling, and so and in such Manner that the said Stamp cannot be used upon or for any other Document or Writing; and if any Person shall make or sign any Contract Note by this Act chargeable with Stamp Duty without the same being duly stamped to denote the said Duty; or shall refuse or neglect to cancel and obliterate as aforesaid any adhesive Stamp affixed thereon, he shall forfeit the Sum of Twenty Pounds; and no Charge for Brokerage, Commission, Agency, or otherwise, made or to be made by any Broker, Agent, or other Person in or about the Sale or Purchase mentioned or referred to in any Contract Note made or signed by him, shall be lawful unless such Contract Note shall be duly stamped, and the Stamp thereon, if adhesive, properly cancelled.

On Renewal of Insurance the Receipt to be chargeable with the Duty.

VIII. Where any Insurance in respect of which a Policy or Agreement is chargeable with Stamp Duty under this Act shall be renewed or continued on the Payment of further Premium or Consideration, whether in pursuance of any Stipulation in the Policy or Agreement or otherwise, a Receipt for such further Premium or Consideration shall be given by the Person who shall receive the same, and such Receipt shall for the Purposes of this Act be and be deemed the Policy or Agreement for such renewed or continued Insurance and be chargeable with the Duty by this Act granted; and if any Person shall receive any Money for Premium or Consideration

tion for any such Insurance, and shall not within a Month make out and, if required, deliver a duly stamped Policy or Agreement in respect thereof; or in the Case of a Renewal or Continuance of such Insurance, shall not thereupon give such Receipt as aforesaid duly stamped; or if any such Person shall deliver or cause to be delivered any Policy or Agreement, or give or cause to be given any Receipt not duly stamped, he shall forfeit the Sum of Twenty Pounds; and where the Insurance shall be made, renewed, or continued by or for any Society or Company, the Person who shall be a managing Director, or the Secretary or other principal Officer thereof, at the Time of the Payment of any such Premium or Consideration, and of any such Default or unlawful Act being done or suffered as aforesaid, shall be held and deemed to be a Person doing or suffering the Default or unlawful Act, and shall, as well as the Society or Company, and the Members thereof who may by Law be chargeable therewith, be subject and liable to the said Penalty in respect thereof.

Adhesive or impressed Stamps, or both, may be used for Insurances.

IX. The Duties hereby granted on Instruments of Insurance may be denoted by any adhesive Stamps that the Commissioners of Inland Revenue may provide for the Purpose and in the meanwhile by any adhesive Stamps provided by them not appropriated by Name to any other Instrument, as well as by impressed Stamps, or by a Combination of both impressed and adhesive Stamps; and in any Case where an adhesive Stamp is issued it shall be cancelled by Writing upon the Stamp the Name of the Person or the Society or Company making the Insurance, or the Initials thereof, and the Date of Writing the same, and also any Particulars relating to the Insurance for which the Stamp may be adapted; and in default thereof such Person or Society or Company, and also the managing Director, Secretary, or other principal Officer as aforesaid of any such Society or Company, shall forfeit the Sum of Ten Pounds.

The Stamp Duty on Policies of Insurance on Lives for Sums not exceeding £25 reduced.

X. Whereas it is expedient to reduce the Stamp Duty now chargeable on Policies of Insurance upon Lives for small Sums: Be it enacted, In lieu of the Stamp Duty of Sixpence now payable upon or for or in respect of any Policy of Insurance or other Instrument by whatever Name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon a Life or Lives, where the Sum insured shall not exceed Twenty-five Pounds, there shall be charged and payable the Stamp Duty of Threepence.

No Duty on Insur-

XI. No Insurance from Loss or Damage by Fire in any Sum not exceeding Twenty Pounds, made, renewed, or continued

at

at the instance or for the Benefit of any Working Mechanic, Artificer, Handicraftsman, or Labourer on the Tools or Implements of Work or Labour used by any such Person in his Work or Employment, shall be chargeable with any Stamp Duty; provided that such Insurance be effected by a separate Policy, or that a distinct Sum be assured on such Tools or Instruments. ance of Workmen's Tools not exceeding £20.

XII. The Stamp Duty of Sixpence by the Act of the present Session of Parliament, Chapter Fifteen, charged on an Agreement under Hand only may be denoted by an adhesive Stamp in any Case where the same is capable of being used under the Terms and Restrictions herein-after mentioned; and the Commissioners of Inland Revenue shall provide Stamps for the Purpose; and whenever any such adhesive Stamp shall be used, every Party to the Agreement who shall sign the same, shall also at the Time of so signing write upon or across the Stamp his Name and the Date of the Day and Year of writing the same, so that the Stamp may be appropriated to the Instrument, and effectually cancelled and rendered incapable of being used for any other; and in default thereof the Stamp shall be of no Avail; and Proof of the said Writing upon or across the Stamp, as hereby required, shall be a necessary Part of the Evidence of the Agreement in any Case where such Agreement is not stamped with an impressed Stamp. The Stamp on an Agreement may be adhesive.

XIII. Every Writing or Document entitling or intended to entitle any Person to the Delivery of any Goods, Wares, or Merchandise lying in any Dock, Port, or Warehouse, or upon any Wharf, as in the said Act of the present Session is mentioned, shall be deemed to be made and given upon a Sale or Transfer of the Property in such Goods, Wares, or Merchandise, unless the contrary shall be expressly stated therein by the Person making or giving the same; and if any Person shall untruly state or by any Word or Words signify or cause or permit to be untruly stated or signified in any such Writing or Document that the same is not made or given upon a Sale or Transfer; or if any Person shall himself or by his Servant or other Person procure or require the Delivery of any of the Goods, Wares, or Merchandise therein mentioned, knowing that the same contains any such untrue Statement, every such Person shall forfeit, over and above any other Penalty to which he may be liable, the Sum of Twenty Pounds; but any such Writing or Document shall not, by reason of the same not being stamped, be invalid in the Hands of the Person having the Custody of the Goods, Wares, and Merchandise, and Every Delivery Order to be deemed to be upon a Sale or Transfer unless otherwise stated. Penalty for false Statement. Order not to be invalid.

and delivering out the same, unless such Person shall be Party or privy to the Fraud thereby committed.

The Stamp Duty on a Delivery Order to be paid by the Person requiring the Order.

XIV. The Stamp Duty of One Penny payable on any such Writing or Document as in the last preceding Clause is mentioned shall, in the Absence of any special Agreement between the Parties relating to it, be paid by the Person requiring the Writing or Document; and it shall be lawful, in any such Case, for the Person of whom the Writing or Document is required to refuse to give the same until the Amount of the Stamp Duty thereon be paid to him.

Weight-Notes not to be liable as Dock Warrants.

XV. Whereas a Practice prevails in relation to certain Descriptions of Goods, Wares, and Merchandise lying in Docks and Warehouses, and upon Wharfs, for the Company or Person in whose Custody the same may be to deliver to the Owner thereof, in addition to a Warrant evidencing the Title to the Property, a certain other Document termed a Weight-Note, such Document being intended to be delivered by or on behalf of the Owner to the Purchaser of the Goods mentioned in the Warrant upon any Sale thereof before the Completion of the Contract for Sale, but which other Document as well as the Warrant is chargeable with the Duty of Threepence under the Head Dock Warrant in the Schedule to the said Act of the present Session, and it is expedient that the same should be exempted from the said Duty: Be it therefore enacted, In any Case where a Document designated a Warrant, chargeable with and duly stamped for denoting the Payment of the said Duty of Threepence, and also a Document termed a Weight-Note, or any other Document of the like Character or Description relating only to the same Goods, Wares, or Merchandise as are specified in the Warrant, shall be issued by the Company or Person in whose Custody the said Goods, Wares, or Merchandise shall be, to the Owner thereof or his Broker or Agent, the Weight-Note or other Document aforesaid shall be exempt from the said Duty of Threepence.

Certain Copies or Extracts from Registers not to be chargeable with Stamp Duty.

XVI. The Stamp Duty of One Penny by the said Act of the present Session charged upon a certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials shall not be deemed to have been or to be payable upon any such Copy or Extract which is or shall be furnished by any Clergyman, Registrar, or other official Person, pursuant to and for the Purposes of any Act of Parliament, or to any General or Superintending Registrar under any General Regulation, nor in any Case where the Person giving the Copy

Copy or Extract is not entitled to any Fee or Reward for the same.

Certain Orders on Bankers not to be subject to more than a Penny Stamp.

XVII. No Draft, or Order, Writing, or Document for the Payment or for entitling any Person to the Payment by or through any Banker or Person acting as a Banker of any Sum of Money, such Draft, Order, Writing, or Document being sent or delivered by the Person making or giving the same to the Banker or Person acting as a Banker by or through whom the Payment is to be made, and not to the Person to whom such Payment is to be made or to any Person on his Behalf, shall be chargeable or be deemed to have been chargeable with any higher Stamp Duty than One Penny, notwithstanding the said Payment shall be or have been thereby directed to be made at any Time after the Date thereof, which Duty of One Penny may be denoted by an adhesive Stamp to be cancelled as in the Case of a Draft or Order on Demand.

Bankers may affix Stamps to Drafts or Orders drawn on them.

XVIII. Where any Draft or Order for the Payment of Money by any Banker or Person acting as a Banker, chargeable with the Stamp Duty of One Penny, shall come to the Hands of such Person unstamped, it shall be lawful for him to affix thereto the necessary adhesive Stamp, and to cancel the same in manner by Law required, and upon so doing to make the Payment thereby directed, and to charge the Duty in account against the Person who ought to have paid the same, or to deduct such Duty from the Sum so directed to be paid; and such Draft or Order shall, so far as relates to the Stamp Duty chargeable thereon, be good and valid; but this shall not relieve any Person from the Liability to the Penalty he may have incurred by issuing the said Draft or Order unstamped.

Sect. 18. of 55 Geo. 3. c. 184. prohibiting the issuing of Bankers Notes with printed Dates, repealed.

Drafts on Bankers for less than 20*s.* to be lawful.

XIX. Whereas by the Eighteenth Section of the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, the issuing of Promissory Notes payable to Bearer on Demand with printed Dates therein is prohibited, and such Prohibition is an unnecessary Restriction: Be it enacted, That the said Section of the said last-mentioned Act shall be and is hereby repealed: Provided always, that, notwithstanding anything in any Act of Parliament contained to the contrary, it shall be lawful for any Person to draw upon his Banker, who shall *bonâ fide* hold Money to or for his Use, any Draft or Order for the Payment, to the Bearer or to Order on Demand, of any Sum of Money less than Twenty Shillings.

Licences to Hawkers and

XX. Whereas by an Act passed in the Fiftieth Year of the Reign of King *George* the Third, Chapter Forty-one, every Hawker,

Pedlars granted in England or Scotland to be good for any Part of Great Britain.

Hawker, Pedlar, and Petty Chapman, and other trading Person going from Town to Town or to other Men's Houses, in *England*, *Wales*, or *Berwick-upon-Tweed* is required to take out a Licence as therein mentioned, and by an Act passed in the Fifty-fifth Year of the Reign of the said King, Chapter Seventy-one, such trading Persons in *Scotland* are also required to take out a Licence: Be it enacted, That a Licence taken out under either of the said Acts shall be sufficient to authorize the trading, according to the Tenor of it, in any Part of *Great Britain*, and shall be read as a Licence granted under both of the said Acts.

Commissioners of Inland Revenue may remit Penalties under the said Acts.

XXI. If any Person be convicted of an Offence under either of the said Two last-mentioned Acts, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby authorized, in case they shall see fit so to do, to remit the whole or any Part of the Penalty imposed by Law for such Offence, notwithstanding the same or some Portion thereof may be payable to some Party other than the Crown.

Persons in the Service of the Post Office may sell Postage Stamps, &c., without Licence.

XXII. It shall be lawful for any Person in the Service or Employment of the Post Office, without any Licence or any Authority other than this Act, to carry about for Sale and to sell at any Place or Places within the United Kingdom, Postage Stamps and printed Forms of any Kind issued from or used at the General Post Office, and any other Matters and Things relating to the Business of the Post Office which are or may be authorized or permitted to be sold at any Post Office: and such Person shall not be subject or liable to any Penalty or Forfeiture for so doing, anything in any Act or Acts to the contrary notwithstanding.

20 & 21 Vict. c. 77. Probates and Administrations, England.

XXIII. Whereas by the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Seventy-seven, for amending the Law relating to Probates and Letters of Administration in England, it is enacted that none of the Fees payable to the Officers of the Court of Probate, or of any County Court, in respect of Business under the Act, except the Fees of District Registrars, (which were to be taken as their Remuneration, and for their own Use,) should be received in Money, but that every such Fee should be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable, and Provisions were therein made for the proper Collection of such Fees; and it was also enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury at any Time to order that the District Registrars or any of them should be paid by Salaries instead of Fees, and that thereupon all Fees payable to them should be accounted

counted for and paid into the Exchequer as the said last-mentioned Commissioners should direct; and by an Act passed in the same Year, Chapter Seventy-nine, for amending the Law relating to Probates and Letters of Administration in *Ireland*, similar Enactments are contained; and it may be considered expedient in Cases where the said last-mentioned Commissioners shall have directed or shall at any Time direct the District Registrars in *England* or *Ireland* to be paid by Salaries instead of Fees, that such Fees should also be collected and received by means of Stamps: Be it therefore enacted as follows, In any Case where the Commissioners of Her Majesty's Treasury have ordered or shall at any Time hereafter order that any District Registrar, under either of the said Acts, shall be paid by Salary, it shall be lawful for them at any Time to order also that the Fees or any of the Fees authorized to be taken by such District Registrar shall be collected and received by means of Stamps; and thereupon, from and after the Time to be fixed for that Purpose by any such last-mentioned Order, every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable, in the same Manner and under and subject to the same Provisions, Clauses, Regulations, and Directions in that Behalf as are contained in the said Acts respectively, in relation to the Fees thereby directed to be collected and received by means of Stamps, and to the Documents which ought to be stamped to denote such Fees, as if such Fees had not been excepted as aforesaid, but had been expressly directed by the said respective Acts to be collected and received by means of Stamps, as other Fees are thereby respectively directed to be collected and received.

20 & 21 Vict. c. 79. Ireland.

If Treasury direct District Registrars to be paid by Salary, they may also direct the Fees to be collected, &c. by means of Stamps.

SCHE-

SCHEDULE referred to, containing the Duties by this Act imposed.

	£	s.	d.
AWARD in England or Ireland, and Award or Decreet Arbitral in Scotland:			
Where the Amount or Value of the Matter in dispute shall not exceed 50*l.*	0	2	6
And where it shall exceed 50*l.* and not exceed 100*l.*	0	5	0
And where it shall exceed 100*l.* and not exceed 200*l.*	0	10	0
And where it shall exceed 200*l.* and not exceed 500*l.*	0	15	0
And where it shall exceed 500*l.* and not exceed 750*l.*	1	0	0
And where it shall exceed 750*l.* and not exceed 1,000*l.*	1	5	0
And where it shall exceed 1,000*l.*, and also in all other Cases not above provided for	1	15	0

	£	s.	d.
CONTRACT NOTE. Any Note, Memorandum, or Writing, commonly called a Contract Note, or by whatever Name the same may be designated, for or relating to the Sale or Purchase of any Government or other Public Stocks, Funds, or Securities, or any Stocks, Funds, or Securities, or Share or Shares of or in any Joint Stock or other public Company, to the Amount or Value of 5*l.* or upwards	0	0	1

LEASE. Any Assignment or Surrender of a Lease or Tack for a Term of Years exceeding Thirty-five, upon any other Occasion than a Sale or Mortgage . A Duty equal to the ad valorem Duty with which a similar Lease or Tack would be chargeable, but no higher Duty than 1*l.* 15*s.* shall be charged.

POLICY

	£	s.	d.
POLICY OF ASSURANCE or Insurance, by whatever Name the same shall be called, whereby any Sum of Money shall be assured, or agreed to be paid only upon the Death of any Person, from or by reason of any Cause incident to or consequent upon travelling, whether by Land or Water, or any Accident or external Violence, or any Cause whatever other than a natural Cause; or whereby any Compensation shall be assured or agreed to be made or paid for personal Injury received from any Cause whatever; or whereby both a Sum of Money upon Death and a Compensation for personal Injury as aforesaid shall be assured and agreed to be paid, or whereby any Assurance or Insurance shall be made upon Glass from Loss or Damage of any kind except by Fire,			
Where the Premium or Consideration for such Assurance, Insurance, or Agreement shall not exceed Two Shillings and Sixpence . . .	0	0	1
And where the same shall exceed Two Shillings and Sixpence and shall not exceed Five Shillings . . .	0	0	3
And where the same shall exceed Five Shillings, then for every Five Shillings and also for every fractional Part of Five Shillings	0	0	3
PROMISSORY NOTE made in the United Kingdom for the Payment of any Sum of Money exceeding 4,000*l.*			
For every 1,000*l.* or Part of 1,000*l.* of the Money thereby made payable .	0	10	0
Foreign PROMISSORY NOTE made or purporting to be made out of the United Kingdom for the Payment within the United Kingdom of any Sum of Money	The same Duty as on an Inland Bill of Exchange for the Payment otherwise than on Demand of Money of the same Amount.		

CAP. CXII.

An Act to make better Provision for acquiring Lands for the Defence of the Realm.—[28*th* August 1860.]

WHEREAS the Commissioners appointed by Her Majesty to inquire into the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United Kingdom have recommended the Construction of certain Works of Defence for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of certain other Works; and it will be necessary to acquire considerable Portions of Land for the Construction of such of the Works so recommended as Parliament has provided or shall provide Money for constructing, and also for the Erection and Establishment of a Central Depôt or Arsenal; and it may be necessary that certain Lands in the Vicinity of the said Fortifications and Works which may not be required for the Construction of any of the said Works should be kept free from Buildings and other Obstructions: And whereas it is expedient that the Powers hereinafter contained should be given for effecting the Purposes aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Ascertaining the Lands to be taken or to be kept free from Buildings.

Lands to be taken and Lands to be kept free from Buildings to be ascertained by Declaration of Secretary for War.

I. On or before the Thirty-first Day of *August* One thousand eight hundred and sixty-one, the Lands required to be taken absolutely for the Construction of the said Works and Depôt or Arsenal, and the Lands in the Vicinity of the Fortifications and Works aforesaid, which are required to be kept free from Buildings and other Obstructions shall be ascertained by a Declaration or Declarations to be at any Time, or from Time to Time, made and signed by Her Majesty's Principal Secretary of State for the War Department.

Declaration what to show.

II. Every such Declaration shall specify and show, with the Aid of a Map or Plan thereto annexed constructed on a Scale of

of not less than Six Inches to a Mile, the Lands to which the same relates, and shall distinguish what Lands are required to be taken absolutely, and what Lands are required to be kept free from Buildings and other Obstructions.

Restriction on taking of certain Descriptions of Property.

III. Part only of any Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue appurtenant to and used and enjoyed as such with any House before the affixing as herein-after provided of Notice of any Declaration in relation thereto under this Act, shall not be taken from any Party if such Party be willing and able to sell the whole.

Copy of Declaration, &c. to be deposited with Clerks of the Peace, &c.

IV. The said Secretary of State shall, within Three Months after the making of any such Declaration, cause Copies thereof, and of the Map or Plan thereto annexed, to be deposited as herein-after mentioned; (that is to say,)

There shall be deposited at the Office of the Clerk of the Peace for every County in which any Lands to which any such Declaration relates are situate, a Copy of such Declaration, and of the Map or Plan thereto annexed:

There shall also be deposited with the Parish Clerk of every Parish in *England*, or in the Case of an Extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, and with the Clerk of the Union within which any Parish is included in *Ireland*, a Copy of so much of every such Declaration, and of the Map or Plan thereto annexed, as relates to any Lands situate in such Parish or Extra-parochial Place.

Clerks of the Peace, &c. to receive and hold Copies so deposited as under 7 W. 4. & 1 Vict. c. 83.

V. All Clerks of the Peace, Parish Clerks, and Clerks of Unions shall receive and retain the Copies deposited with them as aforesaid, and permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as provided by an Act passed in the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, with respect to Plans directed to be so deposited by the Standing Orders of either House of Parliament.

Notices to be affixed on Church Doors.

VI. The said Secretary of State shall, within Three Months after the making of any such Declaration as aforesaid, cause Notice thereof to be affixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church and Public Chapel (including Places of Public Worship not belonging to the Established Church) in

the Parishes or Places in England, or in the usual Places for posting Public Notices in the Baronies, Cities, Towns, or Boroughs in *Ireland*, wherein the Lands comprised in such Declaration respectively lie:

Such Notice shall state the Fact of such Declaration having been made as aforesaid under this Act, and the Places where Copies of the said Declaration and of the Map or Plan thereto annexed, so far as the same affect Lands in such respective Parishes or Places, Baronies, Cities, Towns, or Boroughs, have been deposited has herein-before required.

Notices of Lands required to be taken or to be kept free from Buildings.

Notices to Owners, &c. of Land.

VII. The said Secretary of State shall, within Six Months after the making of any such Declaration, cause such Notice or Notices in Writing as herein-after mentioned to be served in manner herein-after provided on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to which such Declaration relates.

Contents of such Notice.

VIII. Every such Notice shall specify the Lands required to be taken or to be kept free from Buildings and other Obstructions (as the Case may be), and the Places where Copies of the Declaration relating thereto have been deposited as herein-before required:

Every such Notice shall also state that the said Secretary of State is willing to treat as to the Compensation to be paid for such Lands, or (in the Case of Lands required to be kept free from Buildings) as to the Compensation to be paid for the Damage to be sustained by reason of the Restraints under this Act on the Exercise of the Right of Building and other Rights incident to the Ownership of such Lands, and by reason of the Execution under the Powers of this Act of any intended Works specified in such Notice:

And every such Notice shall demand from the Party to whom the same is given the Particulars of the Estate and Interest of such Party in the Lands, and of the Claims made by such Party in respect thereof, stating therein the Amount which such Party may be willing to receive as Compensation for his Estate and Interest, or for any Damage in respect thereof referred to in such Notice.

How Notices to be given.

IX. Every such Notice shall be served personally on the said Parties, or left at their last usual Places of Abode, if any such can after diligent Inquiry be found, and in case any of such

such Parties be absent from the United Kingdom, or cannot be found after diligent Inquiry, shall be addressed to such Party and left with the Occupier of the Lands, or, if there be no such Occupier, affixed upon some conspicuous Part of such Lands:

If any of such Parties be a Corporation Aggregate such Notice shall be left at the principal Office of such Corporation, or, if no such Office can after diligent Inquiry be found, such Notice shall be served on some principal Member, if any, of such Corporation, and a Duplicate of the Notice shall be addressed to such Corporation and left with the Occupier of the Lands, or, if there be no such Occupier, affixed upon some conspicuous Part of such Lands.

Determination of the Amount of Compensation by Agreement.

Amount of Compensation may be determined by Agreement.

X. The Amount of Compensation to be paid for any Lands required to be taken, and the Amount of Compensation to be paid in respect of any Damage sustained by reason of such Restraints as aforesaid, or by reason of the Execution of any Works in or over any Lands required to be kept free from Buildings, may be determined by Agreement between the said Secretary of State and all Parties having any Estate or Interest in such Lands respectively.

Corporations, Tenants for Life, Trustees, Committees, &c. empowered to agree.

XI. All Corporations and all Feoffees or Trustees for Charitable or other Purposes of any Lands required to be taken or to be kept free from Buildings, and all Tenants for Life and Tenants in Tail of any such Lands, and the Husbands, Guardians, Trustees, Committees, and Attorneys of such of the Owners of or other Persons interested in any such Lands as may be Femes Covert, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapable of acting for themselves, may agree with the said Secretary of State as to the Amount of such Compensation to be paid for any such Lands, or any Damage sustained in respect thereof:

All Agreements made and Acts done by such Corporations and Persons respectively in relation to such Compensation shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Determination of Amount of Compensation otherwise than by Agreement.

How Compensation as

XII. If for Fourteen Days after the Service of any such Notice

to be settled in case of Neglect to treat.

as aforesaid any Party on whom the same is served fail to state the Particulars of his Claim in respect of any Lands to which such Notice relates, or to treat with the said Secretary of State as to the Amount of Compensation to be paid to such Party or which he is empowered to agree upon,

Or if the said Secretary of State and such Party do not within such Fourteen Days agree as to the Amount of such Compensation,

Such Amount shall be settled by a Jury in like Manner as if the same were Compensation for Lands surveyed and marked out under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-Four, herein-after referred to as "The Defence Act, 1842," as amended by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and seventeen.

Provision where Compensation claimed is under 200*l*.

XIII. Provided always, That if the Compensation claimed do not exceed Two hundred Pounds, the same shall be settled by Two Justices, in manner following; that is to say, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before Two Justices at a Time and Place to be named in the Summons, and upon the Appearance of the Parties, or, in the Absence of either of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to determine such Amount, and for that Purpose to examine the Claimant and the Witnesses of the Parties upon Oath.

Compensation to absent Parties to be settled by a Surveyor to be appointed by Two Justices.

XIV. Where by reason of Absence from the United Kingdom any Party is prevented from treating, or cannot after diligent Inquiry be found, the Amount of such Compensation shall be determined by valuation in manner following; that is to say, the said Secretary of State shall make Application to Two Justices and upon Proof satisfactory to them that any such Party is by reason of Absence from the Kingdom prevented from treating, or cannot after diligent Inquiry be found, such Justices shall, by Writing under their Hands, nominate a competent Surveyor for determining the Amount of such Compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing subscribed by him of the Correctness thereof.

Surveyor acting corruptly to be guilty of a Misdemeanor.

XV. If any Surveyor wilfully and corruptly make any incorrect or false Valuation, or wilfully and corruptly act in the Matter hereof, he shall be guilty of a Misdemeanour.

Valuation to be pre-

XVI. The said Nomination shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the said Secretary of State, who shall at all Times produce

produce the said Valuation and other Documents, on Demand, to all Parties interested in the Lands comprised therein. served and produced on Demand.

XVII. Where any Damage has been sustained by reason of any Works authorized by this Act in or upon Lands required to be kept free from Buildings and other Obstructions, in respect of which Works Compensation has not been agreed upon, awarded, or otherwise ascertained prospectively, Compensation shall be paid in respect thereof when the Works have been done, such Compensation to be determined in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit. Damage may be ascertained when Works done.

XVIII. In determining the Amount of Compensation in respect of Damage sustained by reason of any such Works, regard shall be had to any Increase in the Extent of Land capable of being brought under Cultivation by Removal of Banks, Fences, Hedges, and Ditches, and to any improved Drainage and other Advantages derived from any such Works. In estimating Damage from Works regard to be had to Advantages derived.

XIX. Where any Covenant or Agreement has been entered into with the principal Officers of Her Majesty's Ordnance or with the said Secretary of State in restraint of the Right to build on any Lands, and such Covenant or Agreement is legally or equitably binding on the Owner of the Lands, regard shall be had in ascertaining the Amount of Compensation to be paid under this Act for or in respect of such Lands (whether the same are required to be taken absolutely or are required to be kept free from Buildings) to the existing restriction arising out of such Covenant or Agreement. Where any Agreement in restraint of Building exists, regard to be had thereto in estimating Compensation.

Payment and Application of Compensation in certain Cases.

XX. Any Compensation payable under this Act, for or in respect of any Lands, or any Interest therein, taken from or holden by any Owner who by reason of Absence is prevented from treating as aforesaid, or who cannot after diligent Inquiry be found, or who refuses to accept such Compensation, or neglects or fails to make out a Title to such Lands or the Interest therein claimed by such Owner to the Satisfaction of the said Secretary of State; Provision for Payment and Application of Compensation Money in certain Cases.

And any Compensation payable for or in respect of any Lands or any Interest therein taken from or holden by any Corporation or Person not having, independently of this Act and the Defence Act, 1842, as amended as aforesaid, Power to agree as to the Amount of such Compensation, or to sell and convey such Lands or such Interest,

Shall

Shall be paid and applied in manner directed by the Sections numbered Twenty-five to Thirty of the Defence Act, 1842 (and with regard to *England*), as amended by Section Eight of the Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Twenty-one, as if the said Sections expressly extended to the said Compensation.

On Payment into Court of Compensation, an Addition to be made to meet future Expenses.

XXI. Where any Compensation is required to be paid into the Bank of *England* or *Ireland*, under this Act, there shall be added thereto a Sum of Thirty Pounds as an Equivalent for the Expenses consequent upon such Payment, and upon such Compensation, with such additional Sum (which shall be deemed Part of such Compensation), being so paid, the said Secretary of State shall be discharged from all Liability in respect thereof, and the Court of Chancery may allot to any Tenant for Life, or for any other partial or qualified Estate in respect of any Expenses of Investment incurred by him, any Portion of any such Compensation which the Court may deem just.

Provision for Payment into Court on failure for Three Months after Compensation ascertained to deduce a Title.

XXII. The said Secretary of State may in any Case at or after the Expiration of Three Months from the Time at which the Compensation for any Lands has been agreed upon or otherwise ascertained, if the Owner thereof have not in the meantime made out a Title thereto to the Satisfaction of the said Secretary of State, pay such Compensation, without such Addition as aforesaid, into the Bank of *England* or *Ireland* in manner herein-before referred to, and such Payment shall discharge the said Secretary of State from all Liability in respect of the Money so paid:

Provided always, that the Court of Chancery may, upon Application for Payment of such Money to the Party entitled, in case the Court be of opinion that there was no unreasonable Delay in deducing the Title, or that a good Title was shown, order all or any Costs occasioned by such Payment into Court to be paid by the said Secretary of State.

Orders concerning Money paid into Court may be made at Chambers.

XXIII. All Orders and Directions in relation to any Money paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, which under the said Acts the Court of Chancery is empowered to make or give, on Motion or Petition, may be made or given by the Master of the Rolls or any of the Vice-Chancellors while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had before the Master of the Rolls and Vice-Chancellor, subject, nevertheless,

nevertheless, to any General Rules and Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court.

Provisions as to Costs.

Costs of and incident to Agreements, &c. under this Act to be borne by Secretary of State.

XXIV. The Costs of and incident to any Agreement with the said Secretary of State under this Act concerning the Compensation to be paid for or in respect of any Lands taken or affected under the Provisions of this Act and the Costs of the Deduction and Verification of Title shall be paid by the said Secretary of State: all which Costs shall be taxed by One of the Taxing Masters of the Court of Chancery in *England* or *Ireland* (according to the Situation of the Lands) upon the Request and at the Expense of the said Secretary of State.

Provision for Costs when Amount of Compensation is determined by a Jury or Justices.

XXV. In case any Jury give a Verdict or Assessment for more Compensation for any Lands or any Interest therein, or any Damage than was offered for the same by the said Secretary of State, or for any Amount of Compensation where no offer of any Compensation was made, then all the reasonable Costs and Expenses of and incident to the Settlement of the Amount of such Compensation by a Jury shall be paid by the said Secretary of State, such Costs to be settled upon the Request of the said Secretary of State, by One of the Masters of the Court of Queen's Bench in *England* or *Ireland*, according to the Situation of the Lands:

But in every Case in which the Jury shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount demanded as Compensation has been computed and made up did not give sufficient Particulars to enable the said Secretary of State to make a proper Offer, and in every other Case in which the Jury give a Verdict or Assessment for the same or a less Sum than was offered by the said Secretary of State, or in case no Damage be found by the Jury where the Question is as to Damage only, or where the summoning a Jury arose from a Refusal to state or demand any Amount of Compensation, then and in every such Case all such Costs and Expenses to be settled in manner aforesaid shall be paid to the said Secretary of State by the Body or Person claiming the Compensation or refusing to state or demand any Amount of Compensation; and all Costs and Expenses payable hereunder to the said Secretary of State shall be retained out of the Compensation (if any) given by the Verdict or Assessment of the Jury:

The

The foregoing Provisions as to Costs in the Case of the Determination of any Question as to Compensation by a Jury shall be applicable also where such Question it determined by Justices.

Apportionment and Release of Rents and Incumbrances.

Provision for Apportionment of Rents and Incumbrances.

XXVI. If Part only of any Lands comprised in any Lease or Mortgage, or otherwise subject to any Rent Service or other Rent, or any annual or other Payment or Incumbrance, be taken under this Act, such Rent, Payment, or Incumbrance may be apportioned by Agreement between the Parties entitled thereto and to the Lands subject thereto and the said Secretary of State, or in case no such Agreement be made, the same may be apportioned by the Jury or Justices by whom the Compensation payable in respect of the Part of the said Lands taken by the said Secretary of State is determined, or if not so determined, may be determined by Two Justices, as herein provided in certain Cases of Compensation:

After such Apportionment such apportioned Part only of such Rent, Payment, or Incumbrance shall be payable out of the Residue of the said Lands, and all Covenants, Provisoes, Conditions, Agreements, Powers, and Remedies in respect of the said Rent, Payment, or Incumbrance shall remain in force in respect of the apportioned Part which is to remain payable, as against the Residue of such Lands, and where any Rent originally reserved was an ancient and accustomed Rent the Part so continuing payable shall be deemed to be the ancient and accustomed Rent for such Residue of the said Lands.

Power to release Land from Rentcharge, &c.

XXVII. With the Consent of the Party entitled to the Lands, the Party entitled to any Rentcharge, Payment, or Incumbrance may release therefrom the Portion of the said Lands taken as aforesaid on condition or in consideration of the remaining Part remaining exclusively subject to the whole Rentcharge, Payment, or Incumbrance, and in such Case all Covenants, Provisoes, Conditions, Agreements, Powers, and Remedies in respect of such Rentcharge, Payment, or Incumbrance shall remain in force against the said Residue of the said Lands.

Who competent to make Apportionment, &c.

XXVIII. All Bodies and Persons who are enabled to agree for the Sale of Lands to the said Secretary of State shall be competent to agree for and make an Apportionment or Release under either of the Two last preceding Enactments.

Power

Power to use "The Lands Clauses Consolidation Act, 1845."

Secretary of State may avail himself of Powers of 8 & 9 Vict. c. 18.

XXIX. The said Secretary of State may, if he think fit, as well in respect of Lands required to be kept free from Buildings as in respect of Lands taken under this Act, use and avail himself of all or any of the Powers and Authorities by "The Lands Clauses Consolidation Act, 1845," given to "the Promoters of the Undertaking;" and every party enabled by the last-mentioned Act to sell and convey or release Lands or any Estate or Interest therein to the Promoters of the Undertaking" shall have the same or the like Powers to contract, and agree with the said Secretary of State as to the Compensation to be paid in respect of any Lands, Estates, or Interests taken or affected under the Provisions of this Act: Provided always, that nothing in this Enactment shall prejudice or affect the Right to exercise the other Powers or Authorities hereby given.

Vesting of Lands to be taken absolutely in the Secretary of State and Power of Immediate Entry.

Lands taken to be vested in Secretary of State on behalf of Her Majesty.

XXX. The Lands required to be taken under this Act by the said Secretary of State shall, from and after Payment of the Compensation for the same, be vested in the said Secretary of State, on behalf of Her Majesty, discharged of all Estates, Rights, and Interests whatsoever.

Power to Secretary of State to enter immediately.

XXXI. Provided always, That it shall be lawful for the said Secretary of State, at any Time after the Expiration of Fourteen Days from the Service of such Notice as aforesaid in relation to any Lands mentioned in any such Declaration as aforesaid as required to be taken by him, to enter upon and take possession of and hold such Lands, or any of them, and to cause to be executed thereon all such Works as such Secretary of State may think fit.

Interest to be payable until Payment of Compensation Money.

XXXII. Provided also, That in case Possession be taken of any Lands before Payment of the Compensation for the same, Interest shall be payable upon the Amount of such Compensation until Payment thereof, after the Rate of Five Pounds *per Centum per Annum* from the Time of taking Possession as aforesaid; and such Interest shall go and be applied as the Income of the Lands would have gone and been applied if Possession had not been so taken.

Continuance of Liability to Tithe Rentcharge, Taxes, and Rates.

Lands to continue subject to Tithe Rentcharges, Taxes, and Rates.

XXXIII. The Lands vested in the said Secretary of State in pursuance of this Act which were before the Time of such vesting liable to and charged with Tithes or Tithe Rentcharge, Land Tax, Poor or other Rates, shall continue chargeable therewith, but shall not be assessed to any Tax or Rate at a higher Value or Rent than that at which such Lands were assessed at the Time of such vesting.

Restraints and Powers to attach on Lands required to be kept free from Buildings.

Restrictions and Powers with respect to Lands required to be kept free from Buildings.

XXXIV. From and after the Service of such Notices as aforesaid in relation to any Lands required to be kept free from Buildings and other Obstructions, the following Restrictions, Powers, and Consequences shall attach with reference to such Lands:

No Building or other Structure other than Barns, Hovels, or other like Structures of Wood, shall be made or erected thereon:

It shall be lawful for the said Secretary of State, at any Time after the expiration of Fourteen Days from the Service of such Notice, and from Time to Time, to enter and pull down any present or future Buildings or Structures (other than as aforesaid) thereon, and to cut down or grub up all or any of the Trees thereon, and to remove or alter all or any of the Banks, Fences, Hedges, and Ditches thereon, and to make underground or other Drains therein, and generally to level and clear the said Lands, and do all such Acts for levelling and clearing the same as may be deemed necessary or proper by the said Secretary of State, but in such Manner, nevertheless, that Evidence of the Boundaries of the Lands held by different Owners may be preserved:

And it shall not be lawful for any Person to alter the Level of the Lands, or do any Act which may prejudicially affect any Work done on the Lands under the Authority of the said Secretary of State.

Limitation of Time for Works under last

XXXV. The Powers conferred by the Enactment lastly herein-before contained in relation to any Lands shall be exercised only within Three Years after the making of any Declaration that

that the said Lands are required to be kept free from Buildings and other Obstructions, except with respect to pulling down Buildings or Structures wrongfully made or erected after the Expiration of that Time, or keeping or reinstating such Lands in the Condition in which the same were left after the Execution of any such Work thereon as aforesaid, or maintaining or restoring the Level of such Lands. preceding Enactment.

Subsequent Compensation for Interests omitted to be purchased.

XXXVI. If at any Time after the said Secretary of State has entered upon any Lands vested in him under this Act, any Party appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which through Mistake and Inadvertence has been omitted to be purchased or compensated for the said Secretary of State shall, nevertheless, remain in the undisturbed Possession of such Lands, and shall be deemed to have an indefeasible Title thereto, but shall pay Compensation for any such Estate, Right, Interest, or Charge, which but for this Enactment might be recovered or enforced, and also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the said Secretary of State thereon and the Time of the Payment of such Compensation by the said Secretary of State so far as such Mesne Profits or Interest may be recoverable at Law or in Equity: Provision as to Interests omitted to be purchased.

Such Compensation shall be agreed on or awarded and paid in like Manner as the same would have been agreed on or awarded and paid in case the said Secretary of State had purchased or compensated for such Estate, Right, Interest, or Charge before his entering upon such Lands, or as near thereto as Circumstances will admit.

XXXVII. In estimating the Compensation to be given for any such Estate, Right, Interest, or Charge affecting any Lands, or for any Mesne Profits or Interest, the Jury or Justices, as the Case may be, shall assess the same according to the Value of the Lands at the Time the same were entered upon by the said Secretary of State and without regard to any Improvements or Works made by him. How Value of such Lands to be estimated.

XXXVIII. In addition to the said Compensation, the said Secretary of State shall, when the Right to any such Estate, Right, Interest, or Charge has been disputed by him and determined Secretary of State to pay the Costs of Litigation

as to such Lands. termined in favour of the Party claiming the same, pay the full Costs and Expenses of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof has taken place, and such Costs and Expenses shall, in case the same be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Power to Secretary of State to withdraw Notices.

Power to Secretary of State to withdraw Notices. XXXIX. If in any Case after Service of Notice by the said Secretary of State with respect to any Lands required to be taken or to be kept free from Buildings under this Act, it appear to him from a Change of Circumstances or other Reasons unnecessary or inexpedient to complete the taking of such Lands or any Part thereof, or to require such Lands or any Part thereof to be kept free from Buildings, it shall be lawful for him to give a further Notice to the Effect that he thereby withdraws the Notice given in relation to the Lands comprised in the First Notice, or such Part thereof as he may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the First Notice, and may be dealt with as if the First Notice had not been given, and the said Secretary of State shall be wholly discharged from any Obligation to take the Lands comprised in the Notice of Withdrawal, or to make Compensation in respect thereof under this Act, without Prejudice nevertheless to any Claim of any Owner, Lessee, or Occupier of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the First Notice, the Amount of such Damage to be determined in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit:

Provided that every such Notice of Withdrawal be given within Two Months after the Service of the First Notice; provided also, that nothing in this Enactment shall be construed to give to any Party any further or other Right as against the said Secretary of State than he would have had independently of this Enactment, save as herein is expressed.

Power to divert Highways, &c.

XL. It shall be lawful for the said Secretary of State, with-

out any Writ being issued or other legal Proceeding being adopted, to stop up or divert or alter the Level of any Highway, Way, Sewer, Drain, or Pipe over, through, under, or adjoining any Lands comprised in any such Declaration as aforesaid, he, if necessary, previously making, opening, or laying down another good and sufficient Way, Sewer, Drain, or Pipe in lieu of that stopped up or diverted. Power to divert Highways, &c.

XLI. It shall be lawful for the said Secretary of State to alter the Course and Level of any River not navigable, Brook, Stream, or Watercourse, and any Branch of any navigable River (such Branch not itself being navigable) within or adjoining such Lands, making Compensation for any Damage sustained by reason of the Exercise of such Powers, such Compensation to be determined and paid in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit. Power to alter the Course of Brooks, &c.

Miscellaneous Provisions.

XLII. All Monies to become payable by the said Secretary of State under this Act shall be paid out of such Monies as have been or may be provided by Parliament for this Purpose. Compensations to be paid out of Monies provided by Parliament.

XLIII. The said Secretary of State shall not by reason of anything done or omitted to be done under this Act, be liable to any Fine, Penalty, or Forfeiture, or to Execution of any Process against his Person or Property. Protection to Secretary of State.

XLIV. If in any Case in which the said Secretary of State is by this Act authorized to take possession of or to enter upon any Lands any Person refuse to give up Possession thereof, or hinder the said Secretary of State or the Persons authorized by him from taking possession of or entering upon the same, the said Secretary of State may issue his Warrant to the Sheriff of the County in which the Lands are situate to deliver Possession of the same to the Person in this Behalf named in such Warrant, and upon Receipt of such Warrant the said Sheriff shall deliver Possession thereof accordingly. Provision for enforcing Delivery of Possession.

XLV. Any Notice, Summons, Writ, or other Document required to be served on the said Secretary of State may be served by being delivered to the Solicitor for the War Department for the Time being, or by being left for him thereat; and any Notice, Summons, Writ, or other Document required to be given by or on behalf of the said Secretary of State shall be given under the Hand of such Solicitor. Notices, &c. required to be served on or given by Secretary of State to be served on or given by the Solicitor.

Amendment

Amendment of The Defence Act, 1842.

5 & 6 Vict. c. 94. amended as herein stated.

XLVI. And whereas The Defence Act, 1842, has been amended by divers Acts, and it is expedient further to amend the same:

The following Provisions of this Act in relation to Lands to be taken under this Act shall be applicable where Lands are surveyed and marked out under The Defence Act, 1842, as amended as aforesaid; (that is to say,)

The Provisions concerning the Mode of serving Notices on Owners, Lessees, and Occupiers, and of Notices, Writs, or other Documents on the said Secretary of State:

The Provisions concerning the Determination of the Amount of Compensation for Lands otherwise than by Agreement:

The Provisions concerning the Payment and Application of Compensation, and the Disposition of Securities on which the same may be invested, and of the Interest and Dividends of such Compensation and Securities:

And the Provision concerning Interests omitted to be purchased, which last-mentioned Provision shall apply as well with respect to Lands already taken by the said Secretary of State, as with respect to Lands to be hereafter taken by him under the said Defence Act as amended as aforesaid.

Interpretation.

Interpretation of Terms.

XLVII. In the Construction of this Act the Style or Title "Her Majesty's Principal Secretary of State for the War Depart-"ment" shall mean Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department; and the following Words and Expressions shall in this Act and The Defence Act, 1842, have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any tenure:

The Word "Lease" shall include an Agreement for a Lease:

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

The Word "Sheriff" shall include Under Sheriff, or other legally

legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff, and the Lands being the Property of One and the same Party, are situate not wholly in One County, the same Expression shall he construed to mean the Sheriff of any County, where any Part of such Lands is situate:

The Word "Justices" and "Justice" shall mean respectively Justices or a Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of such Justices or Justice arises, and not interested in the Matter, and where such Matter arises in respect of Lands being the Property of One and the same Party, situate not wholly in One County, City, Borough, Liberty, Cinque Port, or Place, shall mean Justices or a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands is situate, and not interested in such Matter; and the Expression "Two Justices" shall mean Two Justices assembled and acting together:

The Word "Owner" shall include any Corporation or Person having Authority under this Act or otherwise to agree with the said Secretary of State as to the Purchase Money or Compensation to be paid for any Lands.

Short Titles of 5 & 6 Vict. c. 94., 18 & 19 Vict. c. 117., and this Act.

XLVIII. The said Act of the Fifth and Sixth Years of Her Majesty may be cited as "The Defence Act, 1842," the said Act of the Eighteenth and Nineteenth Years of Her Majesty may be cited as "The Ordnance Board Transfer Act, 1855," and this Act may be cited as "The Defence Act, 1860."

CAP. CXIII.

CAP. CXIII.

An Act to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise.—[28*th* August 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After Commencement of Act Duties hereafter named to be levied. On Chicory and other Vegetable Matter applicable to the Uses of Chicory or Coffee.

I. From and after the Commencement of this Act there shall be granted, raised, levied, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, the several Duties hereinafter mentioned; (that is to say,)

For and upon all Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee grown in the United Kingdom:

For every Hundredweight thereof, raw or kiln-dried, the Duty of Three Shillings until the First Day of *April* One thousand eight hundred and sixty-one, and on and after that Day the Duty of Five Shillings and Sixpence, and so in proportion for any greater or less Quantity than a Hundredweight:

And

And for and upon a Licence to be taken out yearly by every Person who shall sell any Kind of Sweets or Made Wines, or Mead or Metheglin, in any Quantity amounting to Two Gallons or upwards, or in One Dozen or more reputed Quart Bottles at One Time, the Duty of Five Pounds and Five Shillings. On Licences to Dealers in Sweets or Made Wines.

II. The Time limited by the Act passed in the last Session of Parliament, Chapter Eighteen, for Payment of the Duty of Excise on Malt by every Maker of Malt who shall have given Security by Bond as by Law required in that Behalf, shall in respect of all Malt begun to be made on or after the First Day of *October* One thousand eight hundred and sixty be further limited to Six Weeks in lieu of Twelve Weeks after the making of such Account or Return as in the said Act is mentioned or referred to; and every Bond which shall have been given or entered into for securing the Payment of such Duty according to the Direction of the said Act shall remain and continue in force against the Principal and Sureties who shall have made or entered into the same, as a Security for Payment of the said Duty at or within the Period limited by this Act, unless the said Parties, or some One of them, shall before the said First Day of *October* give Notice to the Commissioners of Inland Revenue of his Desire to withdraw from such Bond, in which Case the Maltster shall not be entitled to any Credit for Payment of the Duty of Excise on any Malt made or begun to be made by him on or after the said last-mentioned Day until he shall have given fresh Security in that Behalf to the Satisfaction of the said Commissioners. Period of Credit for Payment of Excise Duty on Malt reduced.

III. And whereas it is expedient to reduce the Duties of Excise now chargeable on Hops: Be it enacted, That in lieu of the Duties of Excise now chargeable on Hops growing or to grow in *Great Britain* there shall be charged on all such Hops the reduced Duty of Fourteen Shillings *per* Hundredweight, and after that Rate for any greater or less Quantity than a Hundredweight. Excise Duty on Hops reduced.

IV. The Duty of Excise which for the Time being is or shall be chargeable on Hops growing or to grow in *Great Britain* shall be payable on the First Day of *March* One thousand eight hundred and sixty-one, and afterwards on the First Day of *January* next after the curing thereof. Duty on Hops when to be payable.

V. The Twelfth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, which enacts that it shall not be necessary for any Person or Persons to take out an Excise Licence for the Sale of any Foreign Goods or Commodities for the Sale of which in any Exemption from Licence Duty of Persons dealing in Wine and

Spirits in Bond repealed.

Manner an Excise Licence is required, whilst such Goods or Commodities shall be and remain in the Warehouse or Warehouses in which the same shall have been deposited, lodged, or secured, according to Law, before Payment of Duty upon the Importation thereof, shall not extend to exempt from Liability to take out an Excise Licence for the Sale of Foreign Wine or Spirits any Person who shall sell at One Time any Quantity less than One hundred Gallons thereof respectively.

Powers and Provisions of Excise Acts to apply to the Duties granted by this Act.

VI. The said Duties by this Act granted shall be deemed to be Excise Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being, and all Powers, Provisions, and Regulations, Penalties, and Forfeitures contained in or enacted by any Act in force in relation to Excise Duties shall in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, collecting, and securing the said Duties hereby granted and otherwise relating thereto, and to the said Licences, as fully and effectually as if the same had been repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted and the said Licences respectively.

Dealers in Sweets or Made Wines to take out Licence annually.

VII. Every Person who shall sell any Kind of Sweets or Made Wines, or Mead or Metheglin, in any Quantity amounting to Two Gallons or upwards, or in One Dozen or more reputed Quart Bottles at One Time, shall annually take out a Licence in that Behalf under this Act on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Omission to take out such Licence.

Dryers and Roasters of Chicory, &c. and Dealers therein to make Entry of their Premises.

VIII. Every Dryer of Chicory or other such Vegetable Matter as aforesaid, and every Roaster thereof, and every Dealer in the same, shall respectively, before he shall begin to dry or roast any Chicory or other such Vegetable Matter as aforesaid, or to trade or deal in the same, make Entry with the proper Officer of Excise in the Manner directed by the Laws of Excise in that Behalf of his Name and Place of Abode, and of every Building, Warehouse, Storehouse, Shop, Room, or Place, and of every Kiln, Furnace, Cylinder, Machine, or Utensil intended to be made use of by such Dryer, Roaster, and Dealer respectively for the drying, roasting, keeping, or storing of Chicory or other such Vegetable Matter as aforesaid, or the preparing of the same for drying or roasting; and no Person other than a Dryer of Chicory or other such Vegetable Matter as aforesaid, or a Roaster thereof, or a Dealer therein, who shall respectively have made due Entry of his Premises in manner aforesaid, shall have

No Person other than a Dryer or Roaster who has

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in his Possession any dried Chicory or other such Vegetable Matter as aforesaid, exceeding Fourteen Pounds in Weight; and if any such Article shall be found in the Possession of any Person not being such Dryer or Roaster or Dealer as aforesaid, the same shall be forfeited, and the Person so having the same in his Possession shall forfeit the Sum of One hundred Pounds. made Entry shall have dried Chicory, &c. in his Possession.

IX. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall, before he shall begin to dry any such Article, provide a proper and secure Warehouse with proper Fastenings at the Premises where his drying Kiln shall be situate, to be approved of by the Commissioners of Inland Revenue, for the Purpose of depositing and securing therein the Chicory or other Vegetable Matter which shall be dried by him, and such Warehouse shall be locked by the proper Officer of Excise. Dryer to provide Warehouse for storing dried Chicory, &c.

X. No Person shall begin to dry any Chicory or other such Vegetable Matter as aforesaid in or upon any Kiln or other Utensil or Place used by him for drying any such Article without having previously given Six Hours Notice to the Officer of Excise under whose Survey he shall be of the particular Day and Hour when he shall intend to begin such drying, upon pain of forfeiting the Sum of Fifty Pounds for every Omission to give such Notice; and all Chicory or other Vegetable Matter which shall be found drying upon the Premises of any such Dryer without such Notice as aforesaid shall also be forfeited. Dryer to give Notice of his Intention to dry Chicory, &c.

XI. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall give Six Hours Notice in Writing to the Officer of Excise under whose Survey he shall be of the Day and particular Hour of the Day when he shall intend to remove any such Article as aforesaid off the Kiln, or from or out of any Utensil in or upon which the same shall have been placed to dry; and such Officer shall attend according to such Notice, and thereupon all such Chicory or other Vegetable Matter shall be weighed by the said Dryer, or his Servant or Workman, in the Presence of such Officer who shall take an Account thereof, and the same shall then forthwith be removed, also in the Presence of the Officer, into the Warehouse to be provided by the said Dryer in pursuance of this Act for that purpose, and shall be there deposited and locked up and secured under such Regulations as the Commissioners of Inland Revenue may make in that Behalf; and if any such Dryer shall neglect or omit to begin to weigh such Chicory or other Vegetable Matter for the Space of One Hour after the Officer shall have attended in pursuance of such Notice as aforesaid, the Chicory or other Vegetable Matter shall not be removed from such Kiln or Utensil without a fresh Notice of Six Hours, to be given as aforesaid, and Dryer to give Six Hours Notice of his Intention to remove Chicory, &c. from Kiln. Officer to attend, and Chicory, &c. to be weighed and removed into Warehouse in his Presence. Penalty on Dryer not removing Chicory, &c. pursuant to his Notice.

and if the Dryer shall not cause the whole of such Chicory or other Vegetable Matter to be duly weighed and removed and deposited in such Warehouse as aforesaid within the space of Two Hours after the Commencement of the Weighing thereof, he shall forfeit the Sum of Fifty Pounds.

Dryer not to have any dried Chicory, &c. on his Premises elsewhere than in the Warehouse or in the Kiln, on pain of Forfeiture.

XII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall keep or have any such Article as aforesaid in a dried State in any Part or Place of or in his Premises other than the Warehouse to be provided and approved as aforesaid for the Deposit and Security thereof, except such Chicory or other Vegetable Matter as shall be on or in the Kiln or Utensil where the same shall have been dried or roasted, and except also such Chicory or other Vegetable Matter as shall be in the Act of Removal from such Kiln or Utensil, or to or from such Warehouse, under the Superintendence of such Officer as herein provided in that Behalf: and any dried Chicory or other such Vegetable Matter as aforesaid which shall be found in any Part or Place of or in the Premises of any such Dryer other than such Warehouse as aforesaid, except as aforesaid, shall be forfeited, and such Dryer shall forfeit the Sum of Two hundred Pounds.

Chicory, &c. not to be sent out of Warehouse unless in Presence of an Officer.

XIII. No Chicory or other such Vegetable Matter as aforesaid which shall be deposited in the Warehouse of any Dryer thereof shall be removed from such Warehouse except in the Presence and under the Authority of the proper Officer of Excise, to whom such Dryer shall give Four Hours previous Notice in Writing, specifying the particular Day and Hour when he shall intend to send out from the Warehouse an such article as aforesaid, and upon the Receipt of such Notice the Officer shall attend at the Time appointed therein, and shall allow the Quantity of the Article specified in such Notice to be in his Presence weighed and delivered out of the Warehouse, according to the Tenor and Effect of such Notice, and the Officer shall enter in his Survey Book an Account thereof as a Charge against the said Dryer: Provided always, that no Quantity less than One Hundredweight of Chicory or other Vegetable Matter shall at any Time be delivered out of any such Warehouse; and provided also, that no such Warehouse as aforesaid shall be opened for delivering out any such Article as aforesaid at any Time between the Hours of Six o'Clock in the Evening and Six o'Clock in the Morning.

Not less than 100 cwt. to be delivered out.

Warehouse not to be opened for Delivery between 6 p.m. and 6 a.m.

Officer to keep a

XIV. The proper Officer of Excise shall enter and keep in a Book a Stock Account of all Chicory or other such Vegetable Matter as aforesaid which shall be received into the Warehouse

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of any Dryer thereof, and of the Quantity thereof which shall from Time to Time be delivered out of such Warehouse, and it shall be lawful for any Officer of Excise at any Time, and from Time to Time whenever he shall think fit, to weigh and take an Account of all Chicory or other such Vegetable Matter as aforesaid which shall then remain in such Warehouse, and the said Dryer is hereby required, with his Servants and Workmen, to give all necessary Aid and Assistance to the Officer of Excise in the weighing and taking such Account thereof; and if upon any such weighing and taking of Account it shall be found that the Quantity of Chicory or other such Vegetable Matter as aforesaid which shall then be in such Warehouse is less than the Quantity which ought to remain therein, according to the Balance of the Entries contained in the Stock Account kept by the Officer as before directed, such Dryer shall be deemed to have removed the Quantity which shall be so found to be the Deficiency in the Stock, without the Duty having been charged thereon, and thereupon the Officer shall enter in his Book the Amount of the Duty upon such Deficiency as a Charge against the Dryer, and such Dryer shall forfeit the Sum of Two hundred Pounds: Provided always, that the said Penalty shall not be deemed to be incurred if the Amount of such Deficiency of Stock shall not exceed Two *per Centum* on the whole Quantity of Chicory or other Vegetable Matter which shall have been received into such Warehouse since the last preceding taking and balancing of the Stock, in addition to the Quantity then remaining therein, or if there shall have been no former taking and balancing of Stock, then on the whole Quantity which shall have been at any Time and from Time to Time received into such Warehouse.

Stock Account of Chicory, &c. received into and delivered out of the Warehouse, and if there be any Deficiency, Dryer to be charged with the Duty thereon and liable to Penalty.

No Penalty incurred unless the Deficiency of Stock exceed 2 per Cent.

XV. Every Officer of Excise under whose Survey any Dryer of Chicory or other such Vegetable Matter as aforesaid shall be, or any other Officer who shall be appointed so to do, shall at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Inland Revenue shall direct, make out and deliver to the said Commissioners an Account or Return in Writing of the Quantity of Chicory or other such Vegetable Matter as aforesaid dried by such Dryer, and sent out or delivered from his Premises, and for which he shall have become chargeable with Duty in the preceding Six Weeks or other Period, and of the Duty payable thereon, and shall also leave a Copy of such Account or Return with such Dryer; and the Account or Return of such Officer shall be a Charge on such Dryer, and he shall pay to the proper Collector and clear off the Duty appearing by such Account or Return to have become due

Officer of Excise shall make periodical Returns of the Duty charged on Dryers of Chicory, &c.

When and to whom Duty to be paid.

due at such Time as the said Commissioners shall appoint, or on Demand thereof at any Time made by or under the Authority of such Collector, or in default thereof such Dryer shall forfeit double the Amount of such Duty.

Dryer of Chicory, &c. to provide Scales and Weights, and assist the Officers of Excise in using the same.

XVI. Every Dryer of Chicory or other Vegetable Matter shall provide and keep on his entered Premises, and in such proper and convenient Place therein as the Supervisor of Excise shall approve, just and sufficient Scales and Weights, properly adapted for the weighing of Chicory and other such Vegetable Matter as aforesaid; and every such Dryer shall permit and suffer any Officer of Excise to use the said Scales and Weights for the Purpose of weighing or re-weighing and taking an Account of Chicory or other Vegetable Matter which shall at any Time be in the Possession of such Dryer, and such Dryer, with his Servants and Workmen, shall, whenever thereto required, aid and assist the Officer in such weighing and re-weighing and taking Account of any such Article as aforesaid; and every such Dryer who shall neglect to provide and keep such Scales and Weights in such Place as aforesaid, or who or whose Servant shall refuse to permit and suffer any Officer of Excise to use the same, or who or whose Servant shall refuse or neglect, whenever thereto required, to aid and assist any such Officer in weighing or re-weighing and taking an Account of any such Article as aforesaid, shall forfeit the Sum of One hundred Pounds.

No Dryer to have in possession dried Chicory, &c. other than such as shall have been dried on his own Kiln.

XVII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall have in his Possession any dried Chicory or other such Vegetable Matter as aforesaid, other than such as shall have been dried on his own Kiln, or lawfully received into his Warehouse under the Provisons of this Act; and if any such Article as aforesaid which shall not have been dried on his own Kiln, or lawfully received as aforesaid, shall be found on the Premises of any such Dryer or otherwise in his Possession, such Article shall be forfeited, and he shall forfeit also the Sum of One hundred Pounds.

Businesses of a Dryer of Chicory, &c. and a Roaster thereof, or of Coffee, not to be carried on on the same or on adjoining and com-

XVIII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall carry on the Business of a Roaster of Chicory or other Vegetable Matter or of Coffee, or shall roast any Chicory or other Vegetable Matter or Coffee, or have any Quantity exceeding Six Pounds in Weight of roasted Chicory or other Vegetable Matter or Coffee in or upon the same Premises whereon he shall carry on the Business of such Dryer, or in or upon any Premises having any Communication, Opening, or Way internally, or through any inclosed or private Yard, with or into the Premises whereon he shall carry on the Business of

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a Dryer of Chicory or other Vegetable Matter, nor shall any Person carry on the Business of a Dryer of Chicory or other Vegetable Matter in or upon any Premises having any such Communication as aforesaid with or into any Premises whereon any Person shall carry on the Business of a Roaster of Chicory or other Vegetable Matter, or a Roaster of Coffee, on pain of forfeiting for every such Offence, in the several Cases aforesaid, the Sum of One hundred Pounds: Provided always, that where before the First Day of *June* One thousand eight hundred and sixty the respective Businesses of a Dryer and Roaster of Chicory or other Vegetable Matter shall have been carried on by the same or different Persons on the same Premises, or on Premises adjoining and communicating, and such Persons shall be desirous of continuing to carry on such Businesses respectively on such Premises, it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to grant by Order in Writing their special Licence to such Person or Persons to continue such Use of such Premises for such time and upon such Terms and Conditions as the said Commissioners may think fit. municating Premises.

XIX. Provided always, That, under and subject to such Rules and Regulations, Restrictions and Conditions, as the Commissioners of Inland Revenue shall think proper, and shall make in that Behalf, the following Acts and Proceedings may be lawfully done, and shall have the Effect herein-after mentioned; (that is to say,) Certain Acts may be lawfully done by Dryers and Roasters of Chicory under the Regulations of the Commissioners.

1. Any Dryer of Chicory or other such Vegetable Matter as aforesaid may remove and send out from his Warehouse any dried Chicory or other such Vegetable Matter to the entered Warehouse and Stock of any other such Dryer without Payment or Charge of the Duty thereon, and the Person to whose Warehouse the same shall be removed shall, upon receiving the same, be answerable and accountable for the Duty chargeable thereon, and shall be charged with such Duty when and as the said Chicory or other Vegetable Matter shall be sent out or removed from his Warehouse, in like Manner as if he had been the Dryer thereof:
2. Any Dryer or Roaster of Chicory or other such Vegetable Matter as aforesaid may receive into and have in his Possession Foreign dried Chicory or other such Vegetable Matter as aforesaid which shall have been duly imported into the United Kingdom, and on which the Duties of Customs shall have been duly paid on the Importation thereof; but if any Question shall arise whether any Chicory or other Vegetable Matter is Foreign,

Foreign, or whether the said Duties of Customs have been so paid thereon as aforesaid, Proof of the Affirmative of such Question shall lie upon the Person in whose Possession such Chicory or other Vegetable Matter shall be found:

3. Any Dryer of Chicory or other such Vegetable Matter as aforesaid may remove from the Kiln or Utensil on or in which the same may be drying any Chicory or other such Vegetable Matter, before the drying thereof is completed, into a Warehouse to be provided by such Dryer, and approved by the said Commissioners, specially for the Purpose of depositing and securing therein such partially dried Chicory or other such Vegetable Matter as aforesaid, and afterwards to return the same to such Kiln or Utensil to complete the drying thereof.

Dryers of Chicory to provide accommodation for the Officers of Excise.

XX. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall provide and maintain sufficient and proper Accommodation on the entered Premises of such Dryer, to the Satisfaction of the said Commissioners, for the Officers of Excise attending the Drying of such Chicory or other Vegetable Matter.

Construction of Terms used in this Act in relation to Sweets or Made Wines and Chicory.

XXI. Wherever the following Terms and Expressions, or any of them, occur in this Act, they shall be construed respectively in the Manner herein-after directed; (that is to say,) "Sweets" or Made Wines" shall be construed to mean any Liquor made by Fermentation from Fruit and Sugar, or from Fruit or Sugar mixed with any other Material, and commonly called Sweets or Made Wines; "Dried Chicory" shall be construed to mean Chicory which shall have been kiln-dried, or dried by any other Means whatever, and not completely roasted to a State fit for grinding to Powder; "Roasted Chicory" shall be construed to mean Chicory which shall have been completely roasted to such State as last mentioned, whether the same shall have been ground or reduced to Powder or not; "Dryer of Chicory" shall be construed to mean and include any Person who shall kiln-dry, or dry by any other Means, any Chicory or other such Vegetable Matter as aforesaid; "Roaster of Chicory" shall be construed to mean and include any Person who shall carry on or continue the Process of drying Chicory or other Vegetable Matter to a State in which it shall be fit for grinding to Powder.

Maltster to begin to steep only between 7 o'Clock a.m. and 5 o'Clock p.m.

XXII. No Maltster shall begin to wet or steep any Corn or Grain to be made into Malt at any other Time than between the Hours of Seven o'Clock in the Morning and Five o'Clock in the Afternoon, and if the Time specified in the Notice of Intention to wet or steep be later than Three o'Clock in the Afternoon,

Afternoon, the Corn or Grain shall be covered with Water within One Hour from the Time so specified.

Removal of Grain from Cistern to Couch Frame, and Time of remaining therein

XXIII. All Corn and Grain which shall be wetted to be made into Malt shall be removed directly from the Cistern into the Couch Frame, and shall be laid flat and level therein by the Maltster, and of no greater Depth in any such Couch Frame than Thirty Inches in any Part thereof, except where by any Act now in force a greater Depth is expressly allowed, and such Corn or Grain shall be kept and continued so laid in the Couch Frame for the space of Twenty Hours at the least from the Time of being removed from the Cistern: Provided always, that all such Corn or Grain shall for the Purpose of being gauged and charged with Duty be deemed to be in Couch for the space of Twenty-four Hours from the time of its Removal from the Cistern, and shall be gauged and taken Account of by the Officer as in Couch during the said Space of Twenty-four Hours although such Corn or Grain may have been removed from the Couch Frame, unless the same shall have been previously gauged by the Officer.

All cisterns in Malthouses having any internal Communication to be emptied on the same Day.

XXIV. And if in any Building, or in any Two or more Buildings having any internal Communication between them, there shall be more than One Cistern used at the same Time for wetting or steeping Corn or Grain, all such Cisterns shall be emptied of the Corn or Grain therein during the Hours prescribed and limited in that Behalf in One and the same Day; provided that where the Corn or Grain in Two or more of such Cisterns is emptied into One Couch Frame, it shall be taken Account of by the Officer therein, and thenceforth as One and the same wetting or steeping, and the emptying of the last of such Cisterns shall be finished within the Space of Three Hours from the Time of beginning to empty the first of such Cisterns.

When Grain making into Malt may be sprinkled.

XXV. It shall not be lawful for any Maltster to water or sprinkle any Corn or Grain making into Malt before the Expiration of Two hundred and eighty-eight Hours after the same shall have been taken out of the Cistern, unless the same shall have been kept covered with water in the Cistern for the full Space of Fifty Hours from the Time of such Corn or Grain being first wetted or steeped, in which Case it shall be lawful to water or sprinkle such Corn or Grain at the Expiration of Ninety-six Hours after the same shall have been taken out of the Cistern, upon the Maltster giving to the Officer Twenty-four Hours previous Notice in Writing of his Intention to do so.

Commissioners to make Regulations

XXVI. In respect of all Corn and Grain which shall be making into Malt in any Malthouse used for the Purpose of making Duty-free Malt for the Distillation of Spirits, it shall be

with respect to Corn or Grain making into Malt for the Distillation of Spirits.

be lawful for the Commissioners of Inland Revenue to make Rules and Regulations as to the Period of Time during which any particular Denomination of Corn or Grain shall be kept covered with Water in the Cistern, and also the Time that it shall remain in the Couch Frame; and also to fix and determine the Rate of Allowance to be made upon the Gauges of such Corn and Grain during the Time that it shall be in the Cistern and Couch Frame respectively, or whilst the same is by Law to be deemed and gauged as in Couch; and in default of Compliance with any such Rule or Regulation the full Duty of Excise on Malt shall be charged on the Corn or Grain with respect to which such Default shall be made, as in the Case of Barley Malt, and the Malt made from such Corn or Grain shall be used in the Distillation of Spirits only.

Drawback allowed on Exportation of Duty-charged Malt.

XXVII. Upon the Exportation by any licensed Maltster of Malt upon which the full Duties of Excise have been charged, and which shall be exported to Foreign parts as Merchandise, under the Provisions of this Act, the Maltster shall be entitled to be paid the Drawback or Allowance of the Duty of Excise in respect of such Malt in the Manner herein-after mentioned.

Exportation to be made under such Rules and Regulations as the Commissioners of Inland Revenue may make, and under the Conditions specified in this Clause.

XXVIII. The Exportation of Malt, and the Payment of the Drawback or Allowance of Duty thereon, shall be made under and subject to such Rules, Regulations, and Securities (by Bond or otherwise) as the Commissioners of Inland Revenue may from Time to Time make and require respectively in that Behalf, and under and subject also to the following Conditions; (that is to say,)

1. The Malt shall be made from Barley, and shall not be blown, roasted, ground, or crushed; and it shall be in the entered Malthouse in which it shall have been made, and the full Duties of Excise shall have been charged thereon:
2. The Malt shall be thoroughly screened and cleansed from all Commings and Dust, and from all extraneous Matter whatever, to the Satisfaction of the Officer of Excise who shall attend the packing of the same:
3. The Malt, after having been so screened and cleansed, shall not be of less Weight than Thirty-nine Pounds, nor of greater Weight than Forty-two Pounds Avoirdupois *per* Bushel:
4. The Maltster shall give Twenty-four Hours Notice of his Intention to Export Malt to the Officer of Excise in whose Survey the Malthouse shall be situated, stating the Quantity of Malt intended to be exported, the particular Day and Hour at which the same is to be packed, and

and the Name of the Port from which it is to be exported:

5. The Malt shall be packed only between the Hours of Six o'Clock in the Morning and Six o'Clock in the Afternoon, and in the Presence of the proper Officer of Excise, and shall be measured with a Bushel Measure into secure Barrels, Boxes, or Bags, each containing not less than Four Bushels, and such Barrels, Boxes, and Bags shall be fastened and secured to the Satisfaction of such Officer.

Maltster to provide Measures and Scales and Weights, and Assistance in measuring and weighing.

XXIX. Every Maltster who shall export any Malt under the Provisions of this Act shall provide for Use at the Malthouse from which such Malt shall be exported, and also on board the Vessel in which such Malt is shipped, a Bushel Measure of the legal Standard, with just and sufficient Scales and Weights properly adapted for the weighing of Malt, and shall allow any Officer of Excise or Customs to use the same in the measuring and weighing of Malt respectively; and such Maltster shall provide such Officers with proper and sufficient Assistance to enable them to measure and weigh such Malt.

Debenture to be given to Exporter One Month after Exportation. In calculating Quantity of Malt 7½ per Cent. to be deducted.

XXX. The proper Officer of Excise at the Port at which such Malt shall be shipped for Exportation shall, at the Expiration of One Month after the Exportation thereof, give to the Exporter, or to his authorized Clerk or Agent, a Certificate or Debenture expressing the Quantity of Malt so shipped, and the amount of the Drawback payable thereon; provided that in calculating the Quantity of Malt upon which such Drawback is to be paid a Deduction shall first be made therefrom at the rate of Seven and a half *per Centum* upon the Quantity which shall have been ascertained by Measure in the Manner herein directed; and provided also, that where the Malt shall have been exported to the Islands of *Guernsey, Jersey, Alderney,* or *Sark,* or to the *Isle of Man,* the Drawback shall not be paid without the Production of a Certificate from the proper Officer of Customs that such Malt has been landed in the Island to which it has been exported.

Malt exported not to contain unmalted Grain.

XXXI. If any Malt packed or produced for Exportation shall have mixed therewith any raw or unmalted Corn or Grain, the Maltster shall, over and above any other Penalty to which he may be subject, forfeit the Sum of Two hundred Pounds, and all such Malt and Corn, or Grain mixed therewith, and also the Package in which the same may be contained, shall be forfeited.

Provisions of former Acts relat-

XXXII. The Drawback or Allowance upon Malt exported under the Provisions of this Act shall be paid by the Commissioners

ing to the Exportation of Exciseable Commodities to apply to this Act.

sioners of Inland Revenue; and the Provisions of all Acts in force regulating or relating to the Exportation of any Exciseable Commodities on Drawback, and all Fines, Forfeitures, Pains, and Penalties imposed by the said Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the Drawback or Allowance upon Malt hereby granted, upon the Exportation thereof, in as full and ample a Manner to all Intents and Purposes as if the said several Provisions, Fines, Forfeitures, Pains, and Penalties were particularly repeated and re-enacted in the Body of this Act with reference to the said Drawback or Allowance hereby granted.

Penalty for Breach of the Provisions of this Act.

XXXIII. For any Act, Neglect, or Omission contrary in any respect to any Prohibition, Regulation, or Direction contained in or authorized by any of the Clauses of this Act in relation to the making or Exportation of Malt, or to the drying or roasting of Chicory or other Vegetable Matter, and for which no Penalty is expressly provided by this Act, the Maltster or the Dryer or Roaster of Chicory, as the Case may be, shall forfeit the Sum of One hundred Pounds; and all Malt which shall be packed, produced, or shipped for Exportation contrary to the Provisions, Regulations, or Directions contained in or authorized by this Act shall be forfeited, with the Packages containing the same.

Provisions of Acts herein named relating to Duties of Excise on Malt repealed.

XXXIV. From and after the Commencement of this Act, the several enumerated Clauses of the respective Acts hereinafter specified relating to the Duties of Excise on Malt shall be and the same are hereby repealed: that is to say, the Twenty-first, Twenty-ninth, Thirty-second, and Thirty-fifth Sections of the Act passed in the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-two; the Sixteenth Section of the Act passed in the Eleventh Year of the same King, Chapter Seventeen; and the Seventh Section of the Act passed in the First Year of Her Majesty's Reign, Chapter Forty-nine, except as to any Proceedings now pending to which the same or any of them are applicable.

Charging of Excise Duty on Sugar used in brewing deferred until 1st April 1861.

XXXV. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-first Year of Her Majesty's Reign, Chapter Fifteen, the charging of the said Duty was deferred until the First Day of *April* One thousand eight hundred and sixty, and it is expedient to further defer the same: Be it enacted, That the charging

charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-one.

Penalty on Persons selling Beer not brewed by them in wholesale Quantities, without a Licence as Dealers, as specified in 6 G. 4 c. 81.

XXXVI. And whereas by the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, a Licence is required to be taken out by every Person, not being a Brewer of Beer, who shall sell strong Beer only in Casks containing not less than Four Gallons and a Half, or in not less than Two Dozen reputed Quart Bottles at One Time, to be drank or consumed elsewhere than on his Premises, and by the Twenty-sixth Section of the same Act a Penalty of One hundred Pounds is imposed upon every such Person who shall sell Beer in manner aforesaid without taking out such Licence as aforesaid: Be it enacted, That every Person not having taken out such Licence as aforesaid who shall sell Beer in any such Quantity as aforesaid, such Beer not having been brewed by himself, shall be subject and liable to the said Penalty, and in any Information or other Proceeding for the Recovery of the same it shall not be necessary to negative that the Defendant was a Brewer of Beer, and on the Trial or Hearing of any such Information or Proceeding Proof that the Beer was brewed by the Defendant shall lie upon himself by way of Defence: Provided always, that nothing herein contained shall extend to the Sale of Beer by any Person licensed by the Justices of the Peace to keep an Alehouse or Victualling House, and having also taken out the proper Excise Licence in that Behalf.

Persons retailing Beer at Places not specified in a Licence to be deemed to retail Beer without a Licence, and to be liable to Penalty accordingly.

XXXVII. And whereas Doubts have arisen whether Persons licensed to sell Beer by Retail are liable to any Penalty for or on account of selling Beer at any other Place than the House or Premises specified in the Licence granted to them in that Behalf: Be it enacted, That if any Person whatever shall sell Beer by Retail, that is to say, in any Quantity less than Four and a Half Gallons, or in less than Two Dozen reputed Quart Bottles, at One Time, at any other House or Place than the House or Premises specified in a Licence duly granted to him in that Behalf, he shall be deemed to sell Beer by Retail without having an Excise Retail Licence in force authorizing him so to do, and shall accordingly be subject and liable to the Penalty of Twenty Pounds for every such Offence, anything in any former Act or Acts to the contrary notwithstanding; and in any Information or other Proceeding for the Recovery of such Penalty it shall be sufficient to charge that he sold Beer by Retail without having an Excise Licence in force authorizing him so to do, and it shall not be necessary further or otherwise to describe such Offence.

XXXVIII. Whenever

On the Death of a Person licensed to keep a Hackney Carriage the Licence may be transferred to the Widow or Child, and also to the Husband of a Woman licensed before Marriage.

XXXVIII. Whenever any Person to whom a Licence to keep and let to Hire a Hackney Carriage under the Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-seven, shall have been granted shall die during the Existence of such Licence, and shall leave a Widow or a Child of full Age, and also whenever any Woman to whom any such Licence shall have been granted shall marry during the Existence of such Licence, and such surviving Widow, or the said Child, or the Husband of such Woman, shall continue and carry on the Business of such deceased Person or of such Woman respectively, it shall be lawful for the Officers empowered to grant Licences, upon the Application of any such Widow, or Child, or Husband, as the Case may be, (and in the Case of such deceased Person with the Consent of his or her Executor or Administrator,) to transfer by Indorsement, or otherwise as the Commissioners of Inland Revenue shall direct, the said Licence to such Widow, Child, or Husband respectively for the Remainder of the Term for which the same shall have been originally granted, and thereupon such Widow, Child, or Husband respectively shall become chargeable with the Duty payable by Law upon or in respect of the Hackney Carriage mentioned in the said Licence, and shall also be liable to all the Provisions, Regulations, and Penalties contained in any Act in force relating to Hackney Carriages, in the same Manner as if such Widow, Child, or Husband were the Person to whom such Licence had been originally granted.

Persons taken before a Justice charged with an Offence against Laws of Inland Revenue may be remanded or admitted to Bail.

XXXIX. When any Person shall be arrested and detained under any Act relating to the Inland Revenue charged with any Offence for which he may be liable to Conviction on immediate Arrest, it shall be lawful for the Justice before whom such Person shall be taken, in his Discretion, from Time to Time to remand the Person accused for further Examination for such Time as the said Justice shall deem reasonable (not exceeding Eight clear Days) to the Common Gaol or House of Correction or other Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, or such Justice may in his Discretion, instead of detaining the accused Person in Custody during the Period for which he shall be remanded, discharge him upon his entering into a Recognizance, with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Person shall not afterwards appear at the Time and Place mentioned in such Recognizance, the said

said Justice, or any other Justice who may then and there be present, shall certify on the Back of the Recognizance the Non-appearance of such accused Person, and shall transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances forfeited at Quarter Sessions may now by Law be enforced, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said accused Person.

Chief Accountants of Inland Revenue may be appointed in lieu of an Accountant and Comptroller General.

XL. And whereas by an Act passed in the Twelfth Year of Her Majesty's Reign, Chapter One, the Two several Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes were consolidated into One Office of Accountant and Comptroller General of the said respective Duties; and it was enacted, that the Person holding or appointed to such Office should be termed "The Accountant and Comptroller General of Inland Revenue:" And whereas it is expedient that in lieu of the said last-mentioned Officer the Commissioners of Inland Revenue should be authorized to appoint Two or more Persons to be Chief Accountants of the Revenue under their Care and Management: Be it enacted, That in the Place and Stead of the said Accountant and Comptroller General of Inland Revenue it shall be lawful for the said Commissioners of Inland Revenue, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, if they shall think fit, from Time to Time, to appoint Two or more Persons to be Chief Accountants of the Inland Revenue, and such Chief Accountants, or any Two of them with respect to the several Branches of the Inland Revenue, and any One of the said Chief Accountants with respect to any Branch thereof with which he may be specially charged, shall have, use, and exercise all such Powers and Authorities, and perform all such Functions, as are now given to or vested in or to be performed by the Accountant and Comptroller General of Inland Revenue under or by virtue of any Act or Acts of Parliament, or otherwise howsoever.

The Word "Finsbury" deemed to be inserted in Sect. 27. of c. 27. of this Session.

XLI. And whereas an Act was passed in the present Session of Parliament, Chapter Twenty-seven, intituled *An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses, and the granting of Wine Licences*, and through Inadvertence the Borough of *Finsbury* was omitted to be mentioned in the Twenty-seventh Section of the same Act: For Remedy whereof be it enacted, That the Word "*Finsbury*" shall be deemed to be inserted immediately after the Word "*Marylebone*"

"*Marylebone*" in the said Twenty-seventh Section, and the said Act shall be read and construed and shall operate and have effect in all respects as if the said Word "*Finsbury*" had been originally so inserted as aforesaid.

Penalty imposed in Sect. 9. of c. 27. of this Session to be deemed an Excise Penalty.

XLII. And whereas by Section IX. of the last-mentioned Act a Penalty of Twenty Pounds is imposed upon every Person who shall keep a Refreshment House for which a Licence is required, without taking out and having in force a proper Licence in that Behalf: Be it enacted, That the said Penalty shall be denominated an Excise Penalty, and shall be recovered, levied, mitigated, and applied in the Manner directed by the Forty-third Section of the same Act with regard to Penalties so denominated.

A Game Certificate not required for killing Rabbits in Ireland.

XLIII. And for the Amendment of an Act of the present Session of Parliament to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes: Be it enacted, That, notwithstanding anything in the said Act contained, no Person shall be required to take out any Licence or Certificate to authorize the taking or killing of Rabbits in *Ireland*.

SPIRITS ACT.

23° & 24° VICT. Cap. 114.

ARRANGEMENT OF CLAUSES.

	Clauses.
Interpretation Clauses	1 and 2
Licences to Distillers, Rectifiers, and Compounders	3 to 12
Description and Construction of Spirit Stores, Vessels, and Utensils to be provided	13 to 35
Making Entry of Premises and Utensils, and Regulations having reference to licensed and entered Premises,	36 to 43
Admission of Officers into entered Premises, and Power to search	44 to 48
Materials for the Distillation of Spirits	49 to 52
As to the using of Sugar, Molasses, and Treacle in the Distillation of Spirits	53 to 60
As to the fraudulent Disposal of Malt, Sugar, Molasses, or Treacle from a Distillery	61 to 63
As to the brewing and fermenting of Wort, and the distilling of Wash, Low Wines, and Feints	64 to 85
As to the charging and Payment of the Duty on Spirits	86 to 95
As to the Removal of Spirits into the Distillery Store, or for Consumption; and the Account to be kept of Spirits in Stock	96 to 103
Warehousing of Spirits Duty free, and Regulations relating to Spirits in Warehouse	104 to 122
As to the Delivery of Spirits out of Warehouse for Consumption, or Exportation, or Ships Stores, or for Methylation, or to be re-warehoused	123 to 131
Allowances for Deficiencies on Spirits warehoused, and on Spirits lost or destroyed	132 to 136

Clauses.

As to warehousing Spirits in Customs Warehouses for Exportation or Ships Stores . . . 137 to 146
As to fraudulent Access to Spirits in Warehouse . 147
Denominations of British Spirits and Compounds . 148
As to Rectifiers and Compounders of Spirits . . 149 to 163
As to Dealers and Retailers . . . . 164 to 169
As to Certificates and Permits for the Removal of Spirits . . . . . 170 to 188
As to Scales, Weights, Measures, and Fastenings to be provided by Excise Traders . . . . 189 and 190
Supplying Spirits to be unlawfully retailed, and having in possession Spirits not Duty paid . . . 191 and 192
Retailing and using Spirits in Gaols . . . 193 and 194
Hawking Spirits and selling Spirits in unlicensed Places 195 to 197
As to the Acquittal and Reward of Informers . . 198 and 199
As to Persons opposing the Law, and Peace Officers refusing to aid in executing it . . . 200 and 201
Acts repealed, and the Commencement and Operation of the Act . . . . . 202 and 203

SCHEDULES.

SCHEDULE (A.)

Table for determining the original Gravity of Worts or Wash.

SCHEDULE (B.)

Table for determining the Weight per Gallon of Spirits by Sykes's Hydrometer.

SCHEDULE (C.)

Acts to be repealed.

CLAUSES.

	Acts on which the Clauses are founded
1. Construction of Terms.	
2. Persons having Wash fit for distilling and a Still deemed to be Distillers . .	6 G. 4. c. 80 s. 11.

Licences to Distillers, Rectifiers, and Compounders.

3. No Person to keep or use a Still for distilling Spirits or make Wort or Wash without a Licence for that Purpose . . .	4 G. 4. c. 94. s. 7. 6 G. 4. c. 80. ss. 6. 7.
4. The Licences, Entries, Notices, Declarations, &c. required by this Act may be in such Form as the Commissioners shall direct. Notices and Declarations not invalidated for Want of Form	4 G. 4. c. 94. ss. 115. 128. 6 G. 4. c. 80 s. 80.
5. Licence for Premises mentioned therein only	4 G. 4. c. 94. s. 7. 6 G. 4. c. 80. s. 6.
6. Distillery to be within a Quarter of a Mile of a Market Town, or Distiller to provide Lodgings for Officers . . .	4 G. 4. c. 94. s. 14. 6 G. 4. c. 80. s. 9.
7. No Distiller in England to keep a Still of less Content than 400 Gallons, or use more than Two Wash Stills and Two Low Wines Stills with any Still of less Content than 3,000 Gallons	6 G. 4. c. 80. s. 10.
8. No Person to keep a Still of less Content than herein specified	4 G. 4. c. 94. s. 9.
9. No Licence to be granted for any Still of less Content than 400 Gallons, without a Certificate of Three Justices of the Fitness of the Person to be licensed . . .	4 G. 4. c. 94. s. 10.
10. Persons licensed to keep a Still of 400 Gallons Content may keep a smaller Still without Certificate. Commissioners may refuse Licences for Stills under 400 Gallons Content	4 G. 4. c. 94. ss. 11, 12.
11. Commissioners may refuse to license Stills in Situations near Rectifiers or Brewers, and may also refuse to grant Licences to Rectifiers, Brewers, &c. near Distilleries .	4 G. 4. c. 94. s. 13.
12. Commissioners may revoke the Licence of any Distiller convicted of obstructing Officers	4 G. 4. c. 94. s. 15.

Description and Construction of Spirit Stores, Vessels, and Utensils to be provided.

	Acts on which the Clauses are founded.
13. A proper Spirit Store to be provided in every Distillery	16 & 17 Vict. c. 37. s. 9.
14. After obtaining Licence, and before making Entry of Utensils, Distiller to erect certain Chargers and Receivers. Number of Chargers and Receivers allowed	4 G. 4. c. 94. ss. 18, 19. 6 G. 4. c. 80. ss. 13, 14.
15. Description of Vessels and Utensils, Wash Charger, Low Wines Receiver, Feints Receiver, Low Wines and Feints Charger, Spirit Receiver; Chargers and Receivers, how to be erected; Dipping Rods to be fixed therein; Description of Spent Lees Receiver; Intermediate Still Charger; Penalty for constructing Chargers or Receivers contrary hereto	4 G. 4. c. 94. s. 20. 6 G. 4. c. 80. s. 15.
16. General Directions as to the Mode and Course in which Wash, Low Wines, Feints, and Spirits shall be conveyed through the several Utensils	4 G. 4. c. 94. s. 21. 6 G. 4. c. 80. s. 49.
17. Spirits to be removed from the Receiver into an entered Store Vat or Cask	16 & 17 Vict. c. 37. s. 8.
18. Spirit Receivers, how to be placed; must admit of the Gauge of Spirits of the Depth of 15 Inches, and be filled to that Depth	16 & 17 Vict. c. 37. s. 5.
19. Commissioners may allow Spirit Receivers erected before 10th October 1853 of a less Depth than 15 Inches to be used. Mode of gauging and charging Spirits in such Case	16 & 17 Vict. c. 37. s. 6.
20. Commissioners may require Apparatus to be applied to Spirit Receiver to prevent Fraud	16 & 17 Vict. c. 37. s. 32.
21. Penalty for any Pipe or Opening in any Still of a Distiller, Rectifier, or Compounder, except as herein described	4 G. 4. c. 94. s. 25. 6 G. 4. c. 80. s. 16.
22. Distillers, Rectifiers, and Compounders to make an Opening in their Stills through which Officers may take Samples and the Stills be cleansed. Fastenings to be provided for securing such Opening and the Head and Furnace Door of the Still	4 G. 4. c. 94. s. 24. 6 G. 4. c. 80. s. 17.
23. The End of the Worm of every Still in a Distillery to be enclosed and secured, and the Spirits run into a close Safe, &c.	4 G. 4. c. 94. s. 26. 6 G. 4. c. 80. s. 18.
24. Discharge Cock to be fixed to each Still and kept locked	4 G. 4. c. 94. s. 23. 6 G. 4. c. 80. s. 19.
25. A Discharge Cock or Plug to be fixed in each Fermenting Wash Back	4 G. 4. c. 94. s. 27. 6 G. 4. c. 80. s. 20.
26. Construction of Cocks used	4 G. 4. c. 94. s. 30. 6 G. 4. c. 80. s. 21.
27. Distiller, Rectifier, and Compounder to provide proper Cocks, Pumps, Fastenings, &c. at his own Expense	4 G. 4. c. 94. s. 28. 6 G. 4. c. 80. s. 22.
28. All Cocks, Plugs, Pumps, &c., to be kept and affixed to the Satisfaction of the Officer and repaired at the Expense of the Distiller, Rectifier, and Compounder; Penalty for Neglect; Penalty for Fraud	4 G. 4. c. 94. s. 29. 6 G. 4. c. 80. s. 23.

	Acts on which the Clauses are founded.
29. Backs and fixed Vessels for keeping Spirits of Distillers, Rectifiers, and Compounders, Dealers and Retailers, to have a Dipping Place therein, and be gauged and tabled by the Officers	4 G. 4. c. 94. s. 31. 6 G. 4. c. 80. s. 24.
30. Commissioners may order more than one Dipping Place to be made in Spirit Receivers, or in the Covers of Store Casks or Vats of Distillers	16 & 17 Vict. c. 37. s. 7.
31. Penalty if Dipping Place of any Still or Vessel be altered or any Device used to deceive the Officer	4 G. 4. c. 94. s. 40. 6 G. 4. c. 80. s. 25.
32. Penalty on Distiller, Rectifier, or Compounder if the Position or Size of any Still or Vessel be altered without Notice .	4 G. 4. c. 94. s. 39. 6 G. 4. c. 80. s. 26.
33. Commissioners may authorize Distillers and Rectifiers to use their present Utensils, although not conformable with the Provisions of this Act	4 G. 4. c. 94. s. 38. 6 G. 4. c. 80. s. 27.
34. Officer may require the Water to be drawn off from the Worm Tub for Examination of the Worm and Tub	4 G. 4. c. 94. s. 106. 6 G. 4. c. 80. s. 28.
35. The true Content to be marked on moveable Casks, and also the Name or Firm of the Distiller, &c., and the Place where his Stock is kept	6 G. 4. c. 80. s. 29. 16 & 17 Vict. c. 37. s. 12.

Making Entry of Premises and Utensils, and Regulations having Reference to licensed and entered Premises.

36. Utensils and Rooms to be marked . .	4 G. 4. c. 94. s. 33. 6 G. 4. c. 80. s. 31.
37. Entry to be made of the several Places and Utensils of Trade. No Still or Vessel to be entered as used for more than One Purpose	4 G. 4. c. 94. ss. 34, 35. 6 G. 4. c. 80. ss. 30, 33.
38. Drawing or Model to be given showing the Course of every fixed Pipe to be used in a Distillery or by a Rectifier or Compounder. Pipes to be painted	4 G. 4. c. 94. s. 36. 6 G. 4. c. 80. s. 32.
39. Penalty for using any Still, Utensil, &c. or Place not duly entered or contrary to the Entry	4 G. 4. c. 94. s. 37. 6 G. 4. c. 80. s. 34.
40. No Entry of any Distillery or Utensils to be withdrawn whilst Wash or other Materials for Distillation remain therein . .	6 G. 4. c. 80. s. 37.
41. Rectifying House not to be within a Quarter of a Mile of a Distillery, nor a Distillery within a Quarter of a Mile of a Rectifying House or of another Distillery . .	6 G. 4. c. 80. s. 35.
42. Distiller or Rectifier or Compounder not to be a Brewer or a Maker of Sweets, Vinegar, Cider, or Perry, or a Refiner of Sugar, or carry on his Business on Premises having any private Communication with the Premises of any such Trader	6 G. 4. c. 80. s. 36.

	Acts on which the Clauses are founded
43. Distillers, Rectifiers, and Compounders to affix a Board on the Front of their Premises importing that they are licensed. Penalty on unlicensed Persons affixing such Board	4 G. 4. c. 94. s. 103. 6 G. 4. c. 80. s. 38.

Admission of Officers into entered Premises and Power to search.

44. Officers empowered to enter Distilleries and Premises of Rectifiers and Compounders to gauge, &c. Penalty for obstructing Officers	4 G. 4. c. 94. ss. 15. 104. 6 G. 4. c. 80. ss. 40. 108. 146. 7 & 8 G. 4. c. 53. s. 24.
45. Penalty for not giving Admission to the Officer after declaring his Name and Business. Officer may break open Distillery or entered Premises on being refused Admittance	4 G. 4. c. 94. s. 107. 6 G. 4. c. 80. s. 41.
46. Distillers, Rectifiers, and Compounders to furnish Officer with Ladder and Lights	4 G. 4. c. 94. s. 105. 6 G. 4. c. 80. s. 42.
47. Officers may break up Ground in Distillery or Rectifying Premises to search for private Pipes, &c.	4 G. 4. c. 94. s. 110. 6 G. 4. c. 80. s. 43.
48. Upon Oath made of Grounds to suspect any private concealed Still or private Distillation a special Warrant to break open the suspected House and to seize such Stills, Spirits, &c. may be granted. Penalty for obstructing Officer.	3 G. 4. c. 52. s. 113. 6 G. 4. c. 80. s. 39. 1 & 2 W. 4. c. 55. ss. 17, 18.

Materials for the Distillation of Spirits.

49. Distiller to use only Wort or Wash made in his Distillery	4 G. 4. c. 94. s. 111.
50. What Materials may be used in making Wort	11 & 12 Vict. c. 100. s. 2. 19 & 20 Vict. c. 51. s. 1.
51. During the Recess of Parliament Her Majesty may by Proclamation prohibit the Distillation of Spirits from Corn	6 G. 4. c. 80. s. 48.
52. Distillers may grind Malt with Millstones.	

As to the using of Sugar, Molasses, and Treacle in the Distillation of Spirits.

53. Distillers on giving Security to have Duty-free Sugar and Molasses delivered to them to be used in distilling Spirits	18 & 19 Vict. c. 94. s. 9.
54. Distiller to give Bond with Sureties conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits	18 & 19 Vict. c. 94. s. 10.

	Acts on which the Clauses are founded.
55. No Sugar or Molasses to be received by Distillers except from the Customs or Excise Warehouse, and in the same State as when cleared, and accompanied with a Certificate from the Officer	11 & 12 Vict. c. 100. s. 7.
56. No Treacle to be received by Distillers except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, nor unless accompanied with a Certificate from the Refiner or Manufacturer	11 & 12 Vict. c. 100. s. 8.
57. Distiller using Sugar, Molasses, or Treacle to provide a Storehouse at his Distillery in which the same shall be deposited and secured. No Sugar, &c. to be removed out of such Storehouse except in the Presence of the Officer	11 & 12 Vict. c. 100. s. 9.
58. Distiller to give Twelve Hours Notice to the Officer of receiving Sugar, &c. and produce the same to him in the same State as received, to be deposited in the Storehouse	11 & 12 Vict. c. 100. s. 10.
59. Four Hours Notice to be given before removing Sugar, &c. from the Storehouse to the Mash Tun. Sugar, &c. to be conveyed direct from the Storehouse to the Mash Tun, or re-deposited . . .	11 & 12 Vict. c. 100. s. 11.
60. Officer to keep an Account of the Stock of Sugar, &c. in the Storehouse . .	11 & 12 Vict. c. 100. s. 12.

As to the fraudulent Disposal of Malt, Sugar, Molasses, or Treacle from a Distillery.

61. Distillers prohibited from selling Malt, Sugar, Molasses, &c.	18 & 19 Vict. c. 94. s. 30.
62. Commissioners may revoke the Licence of a Distiller on a Second Conviction of certain specified Offences	18 & 19 Vict. c. 94. s. 31.
63. Persons found unlawfully removing Malt, Sugar, &c. from a Distillery, may be arrested and taken before a Justice, and summarily dealt with	18 & 19 Vict. c. 94. s. 32.

As to the brewing and fermenting of Wort and the distilling of Wash, Low Wines, and Feints.

64. Distiller not to brew Wort or use a Still on Sundays	4 G. 4. c. 94. s. 112. 6 G. 4. c. 80. s. 12.
65. Distiller to brew and distil in alternate Periods only	4 G. 4. c. 94. s. 41. 6 G. 4. c. 80. s. 50. 16 & 17 Vict. c. 37. s. 34.
66. Distiller to give Six Days Notice of beginning to brew and of re-commencing brewing	4 G. 4. c. 94. s. 42. 6 G. 4. c. 80. s. 52.
67. Distiller to give Four Hours Notice of each brewing of Wort	4 G. 4. c. 94. s. 43. 6 G. 4. c. 80. s. 51. 16 & 17 Vict. c. 37. s. 33.
68. Yeast to be added only in Fermenting Back.	
69. Declaration to be given of the Quantity and Gravity of the Wort when collected in the Fermenting Back	4 G. 4. c. 94. s. 48. 6 G. 4. c. 80. s. 54.

	Acts on which the Clauses are founded.
70. Penalty on Increase of Gravity or Quantity of the Wort	4 G. 4. c. 94. s. 49. 6 G. 4. c. 80. s. 55.
71. Penalty if Wort or Wash be found to exceed in Gravity or Quantity the Gravity or Quantity previously ascertained by the Officer	4 G. 4. c. 94. s. 49. 6 G. 4. c. 80. s. 56.
72. Saccharometer to be used for ascertaining the Gravity of Worts or Wash	4 G. 4. c. 94. ss. 44, 45. 6 G. 4. c. 80. s. 53.
73. Regulations for Distillers making Bub or other Composition for exciting Fermentation	4 G. 4. c. 94. s. 50. 6 G. 4. c. 80. s. 57. 16 & 17 Vict. c. 37. s. 33.
74. Distiller may sell Yeast or use it in his Distillery.	
75. Distiller may refill Wash Backs during a Brewing Period.	
76. Before beginning to distil, Distiller shall declare that all Wort and Wash are collected into the Fermenting Wash Backs	4 G. 4. c. 94. s. 51. 6 G. 4. c. 80. s. 58. 16 & 17 Vict. c. 37. s. 34.
77. Distiller to give Four Hours Notice before removing Wash from the Fermenting Back to the Wash Charger	4 G. 4. c. 94. s. 52. 6 G. 4. c. 80. s. 59. 16 & 17 Vict. c. 37. s. 33.
78. The Contents of Wash Charger to be conveyed into the Still or Charger before any other Wash be removed	4 G. 4. c. 94. s. 53. 6 G. 4. c. 80. s. 63.
79. Samples of Wash may be taken, and the original Gravity before Fermentation determined as herein directed	16 & 17 Vict. c. 37. s. 38. 19 & 20 Vict. c. 34. s. 16.
80. Samples of Wash may also be taken and distilled by the Officer	4 G. 4. c. 94. s. 124. 6 G. 4. c. 80. s. 60.
81. Distiller to clean out Receivers and assist the Officer in distilling a Charge of Wash out of any Wash Back required by the Officer	4 G. 4. c. 94. s. 123. 6 G. 4. c. 80. s. 61.
82. If the Produce of Wash distilled exceed the Proportion of One Gallon and a Quarter of Proof Spirits for every Five Degrees of Attenuation Distiller subject to Penalty	4 G. 4. c. 94. s. 125. 6 G. 4. c. 80. s. 62.
83. Four Hours Notice to be given for the Removal of Low Wines, Feints, or Spirits from Receivers, and Officer to attend and take account thereof	4 G. 4. c. 94. s. 54. 6 G. 4. c. 80. s. 64.
84. Low Wines, Spirits, and Feints produced to be kept separate until Account thereof be taken. Feints may be re-distilled. Officer may take account of the Spirits and Feints produced on such Re-distillation	4 G. 4. c. 94. s. 55. 6 G. 4. c. 80. s. 65. 16 & 17 Vict. c. 37. s. 35.
85. Two Spirit Receivers may be used on certain Conditions.	

As to the charging and Payment of the Duty on Spirits.

86. Modes of charging Duty : 1st. By Per-centage from Wash according to the Attenuation of the Gravity thereof, One Gallon for every Five Degrees attenuated	4 G. 4. c. 94. s. 56. 6 G. 4. c. 80. s. 66.

	Acts on which the Clauses are founded.
87. 2d. By the Produce as found in the Low Wines	4 G. 4. c. 94. s. 57. 6 G. 4. c. 80. s. 67.
88. 3d. By the Produce on the Re-distillation of Low Wines into Spirits and Feints	4 G. 4. c. 94. s. 58. 6 G. 4. c. 80. s. 68.
89. Distiller to be charged from the highest Gauge of Wash without allowing for Waste or Dregs	4 G. 4. c. 94. s. 59. 6 G. 4. c. 80. s. 69.
90. Sugar, &c. not to be mixed with Low Wines or Spirits to prevent the Strength being ascertained	4 G. 4. c. 91. s. 119. 6 G. 4. c. 80. s. 70.
91. Officer from Time to Time to make Returns of the Quantity of Spirits chargeable on the Distiller, who shall pay the Duty accordingly	4 G. 4. c. 94. s. 62. 6 G. 4. c. 80. s. 72.
92. Collectors may distrain for Duties in arrear from Distillers	4 G. 4. c. 94. s. 116.
93. Distiller to make Entry at the End of every distilling Period of the true Quantity of Wash distilled and Spirits made in each brewing and distilling Period	4 G. 4. c. 94. s. 62. 6 G. 4. c. 80. s. 73.
94. Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period verified by Declaration	18 & 19 Vict. c. 94. s. 28.
95. Officer may take Samples of Wort, Wash, Spirits, &c. in any Distillery	4 G. 4. c. 94. s. 118. 6 G. 4. c. 80. s. 78.

As to the Removal of Spirits into the Distillery Store, or for Consumption; and the Account to be kept of Spirits in Stock.

96. No Spirits shall be received into a Distiller's Stock but such as are distilled in his Distillery	4 G. 4. c. 94. s. 122. 6 G. 4. c. 80. s. 75. 16 & 17 Vict. c. 37. s. 16.
97. All Spirits distilled during a distilling Period to be removed from the Spirit Store within Ten Days after the Termination of such Period	16 & 17 Vict. c. 37. s. 14.
98. Balance to be struck in the Stock Account, and Allowance made for Deficiency occasioned by natural Waste	16 & 17 Vict. c. 37. s. 15.
99. Officer in charge of Spirit Store to attend daily	16 & 17 Vict. c. 37. s. 11.
100. Spirits not to be removed from Distillery of other Strength than herein specified, or in less Quantity than Nine Gallons in any Cask, or without Permit	4 G. 4. c. 94. s. 120. 6 G. 4. c. 80. s. 81. 11 & 12 Vict. c. 122. s. 23. 16 & 17 Vict. c. 37. s. 19.
101. Spirits may be sent out of the Store in Casks either full or on Ullage	16 & 17 Vict. c. 37. s. 20.
102. Permit not to be granted for the Removal of Spirits out of Distillery except to Warehouse until Collector's Receipt for the Duty be produced	16 & 17 Vict. c. 37. s. 13.
103. Distiller's Stock Account of Proof Spirits to be kept by the Officer	16 & 17 Vict. c. 37. s. 17.

	Acts on which the Clauses are founded.
Warehousing of Spirits Duty free, and Regulations relating to Spirits in Warehouse.	
104. Distillers may warehouse Spirits without Payment of Duty in Warehouses provided and entered by them and approved by the Commissioners	4 G. 4. c. 94. s. 66. 6 G. 4. c. 80. s. 82. 11 & 12 Vict. c. 122. s. 1. 16 & 17 Vict. c. 37. s. 23.
105. Regulations as to the Casks, and the Quantity to be contained therein, and Strength of warehoused Spirits . . .	16 & 17 Vict. c. 37. ss. 18, 19, 20.
106. Spirits in Distiller's Warehouse may be transferred to a Purchaser.	
107. Penalty for Frauds in relation to Spirits in Warehouse	6 G. 4. c. 80. s. 82. 11 & 12 Vict. c. 122. s. 24.
108. Commissioners may appoint general Warehouses under Bond in which Distillers may warehouse British Spirits . .	11 & 12 Vict. c. 122. s. 3. 16 & 17 Vict. c. 37. s. 23.
109. Distillers and Proprietors of Warehouses to provide Accommodation for Officers .	16 & 17 Vict. c. 37. s. 31.
110. Commissioners may revoke their Approval of Warehouses	11 & 12 Vict. c. 122. s. 3. 16 & 17 Vict. c. 37. s. 24.
111. Spirits may be deposited in Warehouses provided by the Commissioners. Rent payable	4 G. 4. c. 94. ss. 66. 78.
112. Removal of Spirits to Warehouse to be under the Regulations of the Commissioners.	
113. Action not to be maintained on account of Spirits destroyed in Warehouse by Fire, &c.	4 G. 4. c. 94. s. 82.
114. Distiller to give notice of his Intention to warehouse Spirits; none to be removed into Warehouse without Permit . .	4 G. 4. c. 94. s. 67. 6 G. 4. c. 80. s. 83.
115. Officer to attend Removal of Spirits .	4 G. 4. c. 94. s. 69. 6 G. 4.c 80. s. 84.
116. Officer at the Warehouse to take Account of and give Receipt for Spirits warehoused, such Receipt to be delivered by Distiller to the Officer who is to give Credit for the same in the Charge against the Distiller	4 G. 4. c. 94. ss. 70. 71. 6 G. 4. c. 80. ss. 85. 86.
117. Warehoused Casks to be numbered progressively	16 & 17 Vict. c. 37. s. 22.
118. Stowage of Casks in Warehouse to afford easy Access	16 & 17 Vict. c. 37. s. 27.
119. Spirits in Warehouse may be vatted, blended, or racked	16 & 17 Vict. c. 37. s. 21.
120. Casks containing racked or blended Spirits to be marked.	
121. Proprietor may view and show his Spirits in Warehouse	4 G. 4. c. 94. s. 77. 6 G. 4. c. 80. s. 87.
122. Spirits deposited in a general Warehouse may be transferred on Notice from the Distiller or Dealer, and entered and kept in the name of the Purchaser. Spirits not to be delivered out till Duty paid . .	11 & 12 Vict. c. 122. s. 4.

	Acts on which the Clauses are founded.
As to the Delivery of Spirits out of Warehouse for Consumption, or Exportation, or Ship's Stores, or to be used for Methylation, or to be re-warehoused.	
123. No Spirits to be delivered out of Warehouse for Consumption without Payment of Duty. On Production of Collectors Certificate of Payment, Warehouse-keeper to deliver the Spirits for Removal .	6 G. 4. c. 80. ss. 93. 95. 11 & 12 Vict. c. 122. s. 1.
124. Spirits may be delivered out of Warehouse for Exportation without Payment of Duty. Notice of intended shipping to be given .	4 G. 4. c. 94. s. 73.
125. Bond to be given by Distiller or Proprietor of Spirits on Exportation; on Production of Collector's Certificate Spirits to be delivered with a Permit	4 G. 4. c. 94. ss. 74. 75.
126. Commissioners may allow a Distiller or Proprietor to give a general Bond for the due Exportation of Spirits.	
127. Warehoused Spirits may be shipped as Stores or used for Methylation without Payment of Duty	6 G. 4. c. 80. s. 100.
128. Regulation as to Days and Hours of Removal from Warehouse . . .	4 G. 4. c. 94. s. 75. 6 G. 4. c. 80. s. 95.
129. Duty to be paid on Deficiency of Spirits in Warehouse	4 G. 4. c. 94. s. 81. 6 G. 4. c. 80. s. 89.
130. Warehoused Spirits may be removed from one Warehouse to another . .	6 G. 4. c. 80. s. 90. 11 & 12 Vict. c. 122. s. 2.
131. Distiller or Proprietor of Spirits removed from one Warehouse to another may make fresh Entry of the same before being actually deposited . . .	11 & 12 Vict. c. 122. s. 5.
Allowances for Deficiencies on Spirits warehoused, and on Spirits lost or destroyed.	
132. Allowances to be made for Deficiencies of Spirits in Warehouse . . .	16 & 17 Vict. c. 37. s. 28. 18 & 19 Vict. c. 94. s. 33.
133. Deficiencies to be allowed on Delivery of racked or blended Spirits from Warehouse.	
134. Spirits to be deemed in Warehouse during their Removal.	
135. Table in Schedule (B.) annexed to be used in ascertaining the Quantity of Spirits in a Cask by weighing the same . . .	16 & 17 Vict. c. 37. s. 37.
136. Duty on Spirits or Wash, &c. lost or destroyed by Fire or other Accident to be remitted	11 & 12 Vict. c. 122. s. 6. 16 & 17 Vict. c. 37. s. 10.
As to warehousing Spirits in Customs Warehouses for Exportation or Ship's Stores.	
137. Distiller may warehouse Spirits for Exportation or for Ship's Stores in Customs Warehouses	11 & 12 Vict. c. 122. s. 15.
138. Spirits in a Distillery Store or deposited in Excise Warehouses may be removed to Customs Warehouses . . .	11 & 12 Vict. c. 122. s. 16.
139. Distiller may add sweetening or colouring Matter to Spirits in Customs Warehouse.	

	Acts on which the Clauses are founded.
140. British Spirits re-imported may be deposited in a general Warehouse.	
141. Rectified or compounded Spirits may be deposited in Customs Warehouses	11 & 12 Vict. c. 122. s. 17. 16 & 17 Vict. c. 37. s. 26.
142. Strength of rectified or compounded Spirits to be deposited in Customs Warehouses, and Regulations as to Casks, Permit, &c.	11 & 12 Vict. c. 122. s. 20.
143. Rectified or compounded Spirits to be entered for Warehouse, and Officer of Customs to give Receipt for the same and transmit a Certificate to the Collector of Excise, who is to pay a Drawback of the Duty on the Spirits	11 & 12 Vict. c. 122. s. 21.
144. Rectifiers or Compounders warehousing Spirits may on giving notice add sweetening or colouring Matter to the same	11 & 12 Vict. c. 122. s. 22.
145. Rectified or compounded Spirits so warehoused may be sent coastwise for Exportation or for Ship's Stores only	11 & 12 Vict. c. 122. s. 18.
146. British Spirits deposited in a Customs Warehouse may be used in the same Manner as Foreign or Colonial.	

As to fraudulent Access to Spirits in Warehouse.

147. Penalty on Distiller, &c. fraudulently opening Warehouses or gaining Access to Spirits	11 & 12 Vict. c. 122. s. 24.

Denominations of British Spirits and Compounds.

148. Denominations of Spirits of different Distillations, British Compounds, &c. Mixtures manufactured from Spirits which have not paid the Duty of Excise. Proof of Spirits being such as described in the Permit or Certificate to lie on the Owner	4 G. 4. c. 94. s. 61. 6 G. 4. c. 80. s. 101. 11 & 12 Vict. c. 122. s. 25.

As to Rectifiers and Compounders of Spirits.

149. Penalty on Rectifiers and Compounders having in their Possession any Wort, &c., or distilling the same into Low Wines or Spirits, or receiving Spirits without a legal Permit	6 G. 4. c. 80. s. 102.
150. Rectifiers or Compounders having fixed Pipes, &c. to their Stills not hereby permitted liable to Penalty	6 G. 4. c. 80. s. 104.
151. Regulations as to the placing of the Discharge Cock in the Body of the Still of a Rectifier or Compounder	3 G. 4. c. 52. s. 71.
152. Notice to the Officer to unlock Furnace Door of a Still of a Rectifier or Compounder	3 G. 4. c. 52. s. 73.
153. Directions relative to Officer's Attendance for opening the Furnace Door	3 G. 4. c. 52. s. 74.
154. Officer to open Locks and Fastenings for cleaning or repairing Utensils	3 G. 4. c. 52. s. 80.
155. Rectifiers or Compounders to charge their Stills as herein directed, and work them off within the Time herein limited	6 G. 4. c. 80. s. 105.

	Acts on which the Clauses are founded.
156. Officers may take Still Gauges and Samples of Liquor; and if they discover Wash mixed with Low Wines, Rectifier is liable to Penalty	3 G. 4. c. 52. s. 78.
157. Rectifiers or compounders to cause the Heads of their Stills to be taken off so soon as the same shall cease to be worked . .	6 G. 4. c. 80. s. 106.
158. Officers to take account of the Stocks of Rectifiers and Compounders as often as they may think fit, and if any Excess or Deficiency be found Forfeiture and Penalty shall be incurred	6 G. 4. c. 80. s. 109.
159. Spirits produced from Stills at work when Stocks are taken to be afterwards added	6 G. 4. c. 80. s. 110.
160. Rectifier or Compounder receiving Spirits not to break Bulk before the Officer to whom Notice shall be given take an Account of the Strength and Quantity . . .	6 G. 4. c. 80. s. 111.
161. Rectifiers or Compounders to mark the Quantity and Strength of mixed or compounded Spirits on the Casks containing the same	6 G. 4. c. 80. s. 112.
162. At what Strength and in what Quantities Rectifiers and Compounders may send out compounded Spirits and Spirits of Wine	6 G. 4. c. 80. s. 113. 18 & 19 Vict. c. 94. s. 34.
163. Strength of Spirits of Wine to be 43 per Cent. over Proof at the least, and to be expressed in the Certificate . .	6 G. 4. c. 80. s. 114.

As to Dealers and Retailers.

164. Dealers and Retailers to make Entry of Premises and Utensils . . .	11 & 12 Vict. c. 121. s. 3.
165. At what Strength British Spirits may be kept and sent out of Stock by Dealers or Retailers	11 & 12 Vict. c. 121. s. 23.
166. Casks used by Dealers and Retailers in Stock or for delivering out Spirits to have the true Content marked thereon . . .	11 & 12 Vict. c. 121. ss. 4. 6.
167. Dealers and Retailers to mark the true Strength and Quantity of compounded Spirits on their Casks . . .	11 & 12 Vict. c. 121. s. 5.
168. Penalty on Retailer not licensed as a Dealer sending out Spirits to a Rectifier, Dealer, or Retailer, on receiving Spirits from another Retailer, and on Dealer not licensed as a Retailer selling less than Two Gallons of Spirits	11 & 12 Vict. c. 121. s. 7.
169. Licensed Dealers taking out an additional Licence may retail and send out Foreign Liqueurs in Quantities not exceeding a Gallon without Certificate . .	11 & 12 Vict. c. 121. ss. 9. 14.

Acts on which the Clauses are founded.

As to Certificates and Permits for the Removal of Spirits.

170. Every Rectifier, Dealer and Retailer to provide a Book for entering therein the Particulars of Spirits received and sent out by him . . . . . | 11 & 12 Vict. c. 121. s. 12.

171. All Spirits sold by Rectifiers or Dealers, and also (when the Quantity exceeds a Gallon) by Retailers, to be accompanied by a Certificate . . . . . | 11 & 12 Vict. c. 121. s. 13.

172. Penalty on Rectifiers, Dealers, and Retailers for improper Use of Certificates . . | 11 & 12 Vict. c. 121. s. 13.

173. Penalty for fraudulently using a Certificate for any Purpose other than the due Removal of Spirits . . . . | 11 & 12 Vict. c. 121. s. 15.

174. Rectifier, Dealer or Retailer not to receive Spirits without a Permit or Certificate, and the same to be cancelled on Receipt thereof | 11 & 12 Vict. c. 121. s. 16.

175. Permits and Certificates to be preserved and delivered to the Officer . . . | 11 & 12 Vict. c. 121. s. 17.

176. Stock of Dealer or Retailer may be taken by an Officer, and any Excess found therein to be forfeited . . . . | 11 & 12 Vict. c. 121. s. 20.

177. Distiller, Rectifier, Dealer and Retailer to assist Officer in taking Stock . . | 11 & 12 Vict. c. 121. s. 20.

178. Distiller may not carry on the Trade of a Dealer at any Place within the Distance of Two Miles from his Distillery, unless such Place be approved by the Commissioners . . . . . | 4 G. 4. c. 94. s. 132. 16 & 17 Vict. c. 37. s. 36.

179. Retailer not to be concerned in any Distillery, &c. within two Miles of his Premises, and no Retailer to be licensed in any Premises having a private Communication with a Distillery, &c. . . . | 11 & 12 Vict. c. 121. s. 8.

180. No Spirits to be purchased except from licensed Traders or at Customs or Excise Sales or Warehouses . . . | 6 G. 4. c. 80. s. 107. 11 & 12 Vict. c. 121. s. 22.

181. No Spirits to be removed from the Stock of a Distiller without a Permit . . | 6 G. 4. c. 80. s. 115.

182. Rectifier, Compounder, Dealer, or Retailer not to receive Spirits without Permit or Certificate, nor any Person carrying the same . . . . . | 6 G. 4. c. 80. s. 116.

183. No Spirits to be sent out or received into Stock unless the Permit or Certificate shall truly express the Strength. Rectifiers and others to have Credit for the Quantity expressed in the Permit . . . | 6 G. 4. c. 80. s. 117.

184. All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty and Forfeiture . . . | 11 & 12 Vict. c. 121. s. 24.

185. Persons removing Spirits in any Quantity exceeding One Gallon and not producing a proper Permit or Certificate may be arrested and convicted, and on Nonpayment of the Penalty may be imprisoned | 6 G. 4. c. 80. s. 118. 11 & 12 Vict. c. 121. s. 25.

	Acts on which the Clauses are founded.
186. Penalty for sending out or receiving Spirits without Permit, or for the fraudulent Use of Permits	4 G. 4. c. 94. s. 121. 6 G. 4. c. 80. s. 121.
187. If a Permit or Certificate be not delivered with Spirits sold they shall be forfeited to the Buyer, and double the Price . .	6 G. 4. c. 80. s. 119.
188. Permits and Certificates for the Removal of Spirits to be granted under the Regulations of the Permit and Certificate Laws .	6 G. 4. c. 80. s. 120.

As to Scales, Weights, Measures, and Fastenings to be provided by Excise Traders.

189. Distillers, Warehouse-keepers, and other Excise Traders to keep sufficient Scales, Weights, and Measures for taking Account of Spirits, and aid the Officers in using the same. Penalty for providing false Scales, Weights, or Measures, and for practising Fraud, to prevent a true Account being taken	16 & 17 Vict. c. 37. ss. 29. 30.
190. All Fastenings (except Locks), for the Security of Warehouses, Storerooms, and Utensils, to be provided at the Expense of the Excise Trader. Locks and Keys to be provided at the Expense of the Revenue. Penalty for removing or damaging Locks or Fastenings	18 & 19 Vict. c. 94. s. 15.

Supplying Spirits to be unlawfully retailed, and having in possession Spirits not Duty paid.

191. Penalty on Persons selling Liquors to be unlawfully retailed or consumed by others	6 G. 4. c. 80. s. 132.
192. Persons knowingly having in possession Spirits for which the Duties have not been paid to forfeit the same and Treble Value	6 G. 4. c. 80. s. 133.

Retailing and using Spirits in Gaols.

193. No Licence to be granted for retailing Spirits within Gaols or Houses of Correction, nor shall Spirits be used there except such as shall be medicinally prescribed	6 G. 4. c. 80. s. 134.
194. Justices, upon Information that Spirits are kept and disposed of in any Gaol, &c., may enter and search, and empower any Constable to seize the same. . . .	6 G. 4. c. 80. s. 135.

Hawking Spirits, and selling Spirits in unlicensed Places.

195. Persons hawking or selling Spirits in unlicensed Places to forfeit the same, and a Penalty; and may be committed to the House of Correction for Nonpayment .	6 G. 4. c. 80. s. 138.

	Acts on which the Clauses are founded.
196. Justices of Peace, upon Information on Oath, may issue Warrant to apprehend Persons hawking Spirits . . .	6 G. 4. c. 80. s. 139.
197. Any Person may detain a Hawker of Spirits, and give notice to a Peace Officer, who is to carry the Offender before a Justice .	6 G. 4. c. 80. s. 140.

As to the Acquittal and Reward of Informers.

198. Either of the offending Parties informing against the other shall be acquitted of his own Penalty	6 G. 4. c. 80. s. 141.
199. Informers may be rewarded by the Commissioners if the Penalty is not paid and cannot be levied, or if the Offender be sent to Prison	6 G. 4. c. 80. s. 142.

As to Persons opposing the Law, and Peace Officers refusing to aid in executing it.

200. Armed Persons opposing the Law, or violently rescuing Offenders, or assaulting Officers, Informers, or Witnesses, guilty of Felony, and to be kept in Penal Servitude for Seven Years	6 G. 4. c. 80. s. 143.
201. Penalty on Constable or other Peace Officer not assisting in executing this Act .	6 G. 4. c. 80. s. 144.

As to the Repeal of existing Acts and the Commencement and Operation of the Act.

202. Repeal of existing Acts.	
203. Commencement and Operation of the Act.	

SCHEDULES.

SCHEDULE (A.) A Table for determining the original Gravity of Worts before Fermentation . .	16 & 17 Vict. c. 37. s. 38., and Schedule (D.)
SCHEDULE (B.) A Table for determining the Weight per Gallon of Spirits by Sykes's Hydrometer .	16 & 17 Vict. c. 37. s. 37., and Schedule (C.)
SCHEDULE (C.) Acts to be repealed.	

CAP. CXIV.

An Act to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits.—[28*th* August 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation and Definition of Terms.

Construction of Terms used in this Act.

1. For the Purposes of this Act the following Terms and Expressions wherever used therein shall be construed as herein-after mentioned, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

"The Commissioners" shall mean the Commissioners of Inland Revenue:

"Distiller" shall mean a Distiller or Maker of Low Wines or Spirits:

The Term "Still" shall mean also the Head or Worm, or any other Part of a Still, and shall mean and include also any distilling Apparatus whatever for the distilling or making of Spirits:

"Rectifier or Compounder" shall mean a Rectifier or Compounder of Spirits:

"Dealer" shall mean a Dealer in Spirits:

"Retailer" shall mean a Retailer of Spirits:

"Excise Trader" shall mean and include a Distiller, Rectifier, Compounder, Dealer, and Retailer, and also a Maltster, and any Proprietor of a general Warehouse under the Provisions of this Act, and every other Person carrying on a Trade or Business subject to the Regulations of this Act:

The several Terms "Collector," "Supervisor," and "Officer" shall mean respectively Collector of Excise, Supervisor of Excise, and Officer of Excise; and the Terms "proper Collector," "proper Supervisor," and "proper Officer" shall mean respectively the Collector, Supervisor, and Officer of Excise respectively of the Collection, District, Division, and Ride respectively in which any Excise Trader

Trader shall carry on a Trade or Business subject to the Laws of Excise, or in which any Premises wherein such Trade or Business is carried on, or intended so to be, are situate, or in which anything is by this Act required to be done, or any Notice to be given to such Collector, Supervisor, and Officer respectively; provided always, that the Term "any Officer" shall mean an Officer of Excise of any Rank or Grade whatever:

"Justice of the Peace" shall mean a Justice of the Peace having Jurisdiction for the County or Place where any Offence shall be committed or suspected to be commited, or any Offender shall be apprehended or found, or any Goods or Commodities shall be seized or be liable to Seizure, or be suspected to be so liable, as the Case may be:

"County or Place" shall include a City, County of a City, County of a Town, Borough, Liberty, Division, Franchise, or other Place of magisterial Jurisdiction:

"Ship" shall mean Ship or Vessel.

Persons having Wash fit for distilling and a Still deemed to be Distillers.

II. Every Person making or keeping Wash prepared or fit for distilling, or Low Wines or Feints, and having in his Possession or Use a Still, shall be deemed to be a Distiller liable to the several Duties, Penalties, and Forfeitures imposed by Law on Distillers.

Licences to Distillers, Rectifiers, and Compounders.

No Person to keep or use a Still for distilling Spirits, or make Wort or Wash without a Licence for that Purpose.

III. No Person without having first duly obtained and having in force a Licence for the Purpose from the Commissioners, or the proper Officers authorized to grant such Licence, according to the Law of Excise, shall have or use a Still for making, distilling, rectifying, or compounding Spirits, or brew or make Wort or Wash, or distil Low Wines, Spirits, or Feints, or rectify or compound Spirits, on pain of forfeiting the Sum of Five hundred Pounds; and for any such Offence all Wort, Wash, Low Wines, Feints, and Spirits, and all Materials for making or preparing the same respectively, and all Stills in the Possession or Use of the Offender, and all Vessels and Utensils therewith used, or containing such Wort, Wash, Low Wines, Feints, Spirits, and Materials respectively, shall be forfeited.

The Licences, Entries, Notices, Declarations, &c. required by this Act may be in such

IV. The several Licences, Entries, Notices, Declarations, Books, Accounts, and Returns required or directed by this Act may be in such Form respectively as the Commissioners may from Time to Time direct, but it shall not be necessary to prove, in any Proceeding for an Offence against this Act, the particular Order or Direction of the Commissioners in that

that Behalf; and any Notice or Declaration given or made by or on behalf of an Excise Trader shall, according to the Intent and Meaning thereof, be taken to be good and effectual as against such Excise Trader, although it may not be in the Form, or contain the several Particulars, or be given to or served upon all the Persons, or within the Time by this Act prescribed or limited for giving or serving the same; and it shall not be competent for such Excise Trader to allege any Imperfection or Defect in such Notice or Declaration, or in the giving, making, or serving of the same.

Form as the Commissioners shall direct.

Notices and Declarations not invalidated for Want of Form.

V. No One Licence shall authorize a Person to keep or use a Still, or make Wort or Wash, or distil Wash, Low Wines, or Spirits, or rectify or compound Spirits in any other Place than the House or Premises mentioned in such Licence.

Licence for Premises mentioned therein only.

VI. No Person shall be entitled to have a Licence granted to him for a Distillery, or be permitted to make Entry of a Distillery, unless the same shall be situated within a Market Town, or within the Distance of a Quarter of a Mile from such Town; but the Commissioners may, if they shall think fit, grant such Licence and permit such Entry to be made in respect of a Distillery situated otherwise than as aforesaid, on the Distiller providing, on such Terms as they shall approve, fit and proper Lodgings or Rooms for the Residence of the Officers to be placed in charge of such Distillery, conveniently situated and approved by the Collector, but not forming any Part of the Distillery, or of the Dwelling House in which the Distiller shall reside, and at a reasonable Cost not exceeding Ten Pounds a Year; and if after the granting of a Licence on the Terms aforesaid the Distiller shall neglect or refuse to provide such Lodgings or Rooms, or shall not maintain them in proper Repair, or shall interrupt or annoy the Officer in the proper Use and Enjoyment thereof, the Commissioners may suspend or revoke such Licence; and during the Period of such Suspension, as well as after such Revocation, the Licence shall be deemed to be no longer in force.

Distillery to be within a Quarter of a Mile of a Market Town, or Distiller to provide Lodgings for Officers.

VII. No Distiller in *England* shall keep or use a Still for making or distilling Low Wines or Spirits the Body of which, without the Head thereof, shall be of less Content than Four hundred Gallons; and no Distiller keeping or using a Still of smaller Content, without the Head, than Three thousand Gallons, shall keep or use in his Distillery at the same Time more than Two Wash Stills and Two Low Wines Stills, upon pain of forfeiting for every Still of less Capacity or Content than as aforesaid, and for every Still above the Number aforesaid respectively, the Sum of One hundred Pounds; and for every Time that any such Still as aforesaid shall be used by him

No Distiller in England to keep a Still of less Content than 400 Gallons, or use more than Two Wash Stills and Two Low Wines Stills with any Still of less

Content than 3,000 Gallons.

him a further Sum of One hundred Pounds; and every such improper or further Still shall also be forfeited.

No Person to keep a Still of less Content than herein specified.

VIII. No Licence shall authorize a Person to keep or use a Still or other Utensil for making or distilling Spirits of less Content than Forty Gallons, or any distilling Apparatus not capable of distilling Two hundred Gallons of Wash *per* Hour.

No Licence to be granted for any Still of less Content than 400 Gallons without a Certificate of Three Justices of the Fitness of the Person to be licensed.

IX. Before a Licence shall be granted to any Person to keep or use a Still for making or distilling Spirits of less Content than Four hundred Gallons, he shall produce to the Commissioners a Certificate in Writing, under the Hands of Three Justices of the Peace of the County or Place, that he is a Person of good Character, and fit and proper to be licensed to keep such Still; and that the Premises in which he purposes to erect such Still, and of which he is in actual Possession, are of the yearly Value of Ten Pounds at the least; but if a Still shall be intended to be kept by Two or more Persons in Partnership, such Certificate with relation to One of them shall be sufficient to authorize the granting of a Licence to all such Persons.

Persons licensed to keep a Still of 400 Gallons Content may keep a smaller Still without Certificate.

X. Provided always, That a Person who shall be licensed to keep and who shall actually keep and use a Still of the Content of Four hundred Gallons or upwards, may be licensed to keep a Still of less Content without the Production of such Certificate; and provided also, that the Commissioners may, if they shall deem it expedient, refuse to grant a Licence to a Person to keep a Still of less Content than Four hundred Gallons, notwithstanding the Production of the Certificate of the Justices; and in every Case when a Licence shall be refused, the Commissioners shall state in Writing under their Hands, to the Justices who shall have signed such Certificate, the Grounds of Refusal.

Commissioners may refuse Licences for Stills under 400 Gallons Content.

XI. The Commissioners may lawfully refuse to grant a Licence to keep a Still, for the making or distilling of Spirits in any Building in which, from the local Situation thereof in respect to any Premises used for rectifying or compounding Spirits, or in respect to any Brewery or Vinegar Manufactory, it may appear to them not to be expedient to allow the making or distilling of Spirits; and they may also lawfully refuse to grant a Licence to keep a Still for rectifying or compounding Spirits, or a Licence to brew Beer, Porter, or Ale, or to make Vinegar, on any Premises in which, from their local Situation in respect to a Distillery, it shall appear to the Commissioners inexpedient to allow such Trades or Businesses respectively to be carried on.

Commissioners may refuse to licence Stills in Situations near Rectifiers or Brewers, and may also refuse to grant Licences to Rectifiers, Brewers, &c. near Distilleries.

XII. The Commissioners may lawfully suspend or revoke the Licence of a Distiller who shall be convicted of obstructing

ing or preventing any Officer or his Assistant in or from entering into a Distillery, or any House, Outhouse, Store, or other Place whatsoever of such Distiller, or in or from otherwise performing his Duty in the Execution of any Act relating to the Excise.

Commissioners may revoke the Licence of any Distiller convicted of obstructing Officers.

Description and Construction of Spirit Stores, Vessels, and Utensils to be provided.

XIII. There shall be a proper Spirit Store in every Distillery for keeping and securing the Spirits distilled thereat; and such Spirit Store shall be a secure Room or Place, approved by the Commissioners, and provided with proper Fastenings for the Purpose of locking up and securing the same to the Satisfaction of the Supervisor or other Superior Officer, and shall be kept locked up by the proper Officer in charge, at all Times, except when he shall be in Attendance; and the Commissioners may refuse to grant a Licence to keep a Still for the distilling of Spirits to any Person until he shall have provided in his Distillery a proper Store approved as aforesaid; and they may also suspend or revoke any Licence which may have been granted to a Distiller, unless and until he shall have provided such Store and fixed proper Fastenings for securing the same in manner aforesaid.

A proper SpiritStore to be provided in every Distillery.

XIV. Every Person who shall take out a Licence as a Distiller shall, after obtaining such Licence and before making Entry of a Still or other Vessel or Utensil to be used by him, erect and shall thereafter keep the several Vessels hereinafter enumerated, and in the Manner and for the Purposes hereinafter described; that is to say, if the Still be of such Kind that the Produce of the Wash on the First Distillation is Spirits and Feints, One Vessel to be called a Wash Charger, One other Vessel to be called a Feints Receiver, and One other Vessel to be called a Spirit Receiver; and if the Still be of such Kind that the Produce of the Wash on the First Distillation is Low Wines, then in addition to the Vessels before enumerated there shall be erected One Vessel to be called a Low Wines Receiver, One other Vessel to be called a Low Wines and Feints Charger, and (except as hereinafter mentioned) One other Vessel to be called a Spent Lees Receiver; but there shall not be kept in a Distillery more than One Wash Charger, nor, in connexion with the first mentioned Kind of Still, more than One Spirit Receiver, (except on the Terms and Conditions specified in Clause Eighty-five of this Act), nor more than Two Feints Receivers; nor, in connexion with the Kind of Still secondly herein mentioned, more than One

After obtaining Licence, and before making Entry of Utensils, Distiller to erect certain Chargers and Receivers.

Number of Chargers and Receivers allowed.

One Spirit Receiver (except as aforesaid), nor more than Two Low Wines Receivers, nor more than Two Feints Receivers, nor more than Two Low Wines and Feints Chargers; and if any greater Number of such Vessels respectively shall be found in a Distillery the Distiller shall forfeit Two Hundred Pounds, and all such Vessels exceeding the Number aforesaid respectively, together with the Contents thereof, shall also be forfeited: Provided always, that it shall be lawful for a Distiller to have One intermediate Still Charger in connexion with each Charger.

Description of Vessels and Utensils.

XV. Every Wash Charger shall be a close covered Vessel, and the Content thereof shall not be less than Half that of the largest Wash Back; and every Wash Charger shall be connected with the Wash Stills by One close Metal Pipe with a branch to each Still, having a Cock thereon, One End of which Pipe shall be fixed into the Bottom of the Wash Charger, and the End of each Branch shall be fixed into the Still; and to the Wash Charger there shall be One other close Metal Pipe having a Cock thereon, one End of which Pipe shall be fixed into the Pump placed in the Jack Back, if any such Vessel shall be used, or otherwise to the Pipe or Trough communicating with the fermenting Wash Backs, and the other End of such Pipe shall be fixed into such Wash Charger; and such Charger shall not have Communication with any other Vessel or Utensil whatever, except with the Feints Receiver, by means of a close Pump or Metal Pipe with a Cock thereon; and every Low Wines Receiver shall be a close covered Vessel, with a Pump or discharging Cock fixed therein for the Conveyance of Low Wines from such Receiver into the Low Wines and Feints Charger, and there shall be One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Safe at the End of the Worm of the Wash Still, and fixed into the Low Wines Receiver, so that all Low Wines running into such Pipe from the Safe shall immediately be discharged therefrom into such Receiver, which Receiver shall not have Communication with any Vessel or Utensil whatever, except as aforesaid; and every Feints Receiver shall be a close covered Vessel, with a Pump or discharging Cock fixed therein for the Conveyance of Feints from such Receiver into the Low Wines and Feints Charger or Wash Charger or intermediate Still Charger, and there shall be One close Metal Pipe, externally visible for the whole Length, attached to and leading directly from the Safe at the End of the Worm of the Still, and fixed into the Feints Receiver, so that all Feints running into such Pipe from the Safe shall immediately be discharged therefrom into such Receiver,

Wash Charger.

Low Wines Receiver.

Feints Receiver.

Receiver, which Receiver shall not have Communication with any Vessel or Utensil whatever, except as aforesaid; and every Low Wines and Feints Charger shall be a close covered Vessel, connected with the Still by a close Metal Pipe having a Cock thereon, one End of which Pipe shall be fixed into the Bottom of such Charger, and the other End shall be fixed into the Still, and each such Charger shall have Communication with the Low Wines and Feints Receivers respectively by means of close Metal Pipes, one End whereof respectively shall be fixed to each such Charger, and the other End shall be attached to the Pump or discharging Cock to be so fixed as aforesaid in the Low Wines Receiver and Feints Receiver respectively, and such Charger shall not have Communication with any other Vessel or Utensil whatever, except as aforesaid; and every Spirit Receiver shall be a close covered Vessel, and shall not have Communication with any Vessel or Utensil whatever, except with the Safe of the Still by means of One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Safe at the End of the Worm, and fixed into the Spirit Receiver in such Manner as that all Spirits running therein from the Safe shall run directly and be discharged therefrom into the Spirit Receiver without resting in the Pipe; and in every Spirit Receiver there shall be placed and fixed either a Pump for emptying the same, or a proper discharging Cock for drawing off the Spirits therefrom; and every such Charger and Receiver respectively shall be erected and kept in a convenient and public Situation in the Still House, or to the Approbation of the Commissioners, and exposed to open View, and easy of Access and Inspection to the Surveying Officer on all parts thereof, and shall have a sufficient Cover thereon, with a Dipping Hole cut in the Cover, of such Form and Size as the Commissioners shall direct, and in the Dipping Hole there shall be placed such Dipping Rod as shall be provided by the proper Officer, who may secure the same in such Manner as to him shall seem expedient to prevent the Removal thereof; and every Spent Lees Receiver shall be a close covered Vessel, and shall not have Communication with any Vessel or Utensil whatever, except with the Low Wines Still by means of One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Still, and fixed into the Spent Lees Receiver, and which Pipe shall be the only Discharge Pipe of such Still, having a Cock thereon secured as the Supervisor or other superior Officer shall direct and approve, and in the Bottom of which Receiver shall be an internal safe and secure Plug

Low Wines and Feints Charger.

Spirit Receiver.

Chargers and Receivers how to be erected.

Dipping Rods to be fixed therein.

Description of Spent Lees Receiver.

Plug in a Discharge Hole; and every such Spent Lees Receiver shall have One other Opening not more than One Third of the Depth of the Receiver from the Top thereof, covered and secured by an internal Metal Plate perforated with circular Holes of not more than Four Tenths of an Inch in Diameter, and such Receiver shall have no other Opening whatsoever; and every intermediate Still Charger (if such Vessel be used) shall be a close covered Vessel, and shall have One fixed Pipe with a Cock thereon leading from the Wash Charger or Low Wines and Feints Charger, and One fixed Discharge Pipe with a Cock thereon leading from the Still Charger to the Still, and shall have no other Hole or Opening therein, nor any other Communication with any Vessel or Utensil whatever, except One other Pipe with a Cock thereon leading from the Feints Receiver, and One other Pipe from the Water Cistern; and if there shall be found in a Distillery any Charger or Receiver or Pump or Pipe therefrom or Cock therein which shall not be made, kept, and constructed in manner herein directed, or which shall have any Hole therein, except the Trap Door in the Cover thereof and Dipping Hole, properly secured by the Officer, or any Communication with any other Vessel or Utensil whatever other than as by this Act is required or allowed, the Distiller shall forfeit the Sum of Two hundred Pounds, and also the Sum of Twenty Pounds for every Day during which such Charger, Receiver, Pump, Pipe, or Cock shall remain in his Distillery.

Intermediate Still Charger.

Penalty for constructing Chargers or Receivers contrary hereto.

General Directions as to the Mode and Course in which Wash, Low Wines, Feints, and Spirits shall be conveyed through the several Utensils.

XVI. All Wash made in a Distillery shall be fermented in the Fermenting Wash Backs, and shall be conveyed directly from thence into the Wash Charger, and from such Charger into the Still, there to be distilled; all Low Wines shall be conveyed directly from the Safe at the Worm End of the Wash Still into the Low Wines Receiver, and be pumped up or conveyed from thence into the Low Wines and Feints Charger, and shall be conveyed directly from such Charger into the Low Wines Still, there to be re-distilled; and all Spirits shall be conveyed directly from the Safe at the Worm End of the Still into the Spirits Receiver, or Feints Receiver, and so much of such Spirits as shall be conveyed into the Feints Receiver shall be pumped or conveyed directly from thence into the Low Wines and Feints Charger, or Wash Charger, or intermediate Still Charger, and directly from such Charger into the Still to be re-distilled; and the Produce of the last-mentioned Re-distillation, and of every other Re-distillation, shall in like Manner be conveyed directly from the Safe at the Worm End of the Still into the Spirit Receiver, or into the Feints Receiver; and no Feints conveyed into the Feints Receiver,

ceiver shall in any case be removed from thence, except by pumping, or by a Discharge Cock conveying the same directly into the Low Wines and Feints Charger, or Wash Charger, or intermediate Still Charger, from whence such Feints shall be conveyed directly into the Still for Re-distillation, until the whole of such Feints shall be made into Spirits, and be conveyed and run into the Spirit Receiver; and no Spirits conveyed into the Spirit Receiver shall be re-distilled or removed from such Receiver, except into the Store Room of the Distiller, in the Manner herein-after directed; and if in a Distillery any Wash shall be fermented or any Wash, Low Wines, Feints, or Spirits shall be removed or distilled, contrary or otherwise than according to the Directions aforesaid, or if the whole of the Spirits made or distilled shall not be conveyed and run into the Spirit Receiver, such Wash, Low Wines, Feints, and Spirits respectively, together with all Vessels and Utensils wherein the same may be contained, shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds, or Twenty Shillings for every Gallon of such Wash, Low Wines, Feints, or Spirits, at the Election of the Commissioners or Person who shall inform or sue for the same.

Spirits to be removed from the Receiver into an entered Store Vat or Cask.

XVII. All Spirits distilled in a Distillery shall, after the proper Officer shall have taken an Account of the Quantity and Strength thereof, be forthwith removed and conveyed through a close Metal Pipe, visible throughout its whole Length, from the Spirit Receiver into an entered Store Cask or Vat in the entered Spirit Store of the Distillery; and every such Store Cask and Vat respectively shall be a close covered Vessel, with proper and sufficient Fastenings for securing the Spirits therein to the Satisfaction of the proper Supervisor or other superior Officer; and if all such Spirits shall not be removed and conveyed in manner aforesaid into such entered Store Cask or Vat as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds.

Spirit Receivers, how to be placed. Must admit of the Gauge of Spirits of the Depth of 15 Inches, and be filled to that Depth.

XVIII. No Spirit Receiver shall be used which shall not be made, placed, and fixed to the Satisfaction of the Commissioners, and be of a Depth sufficient to admit of the Gauge of Spirits being taken of the Depth of Fifteen Inches at the least in the Centre of the Receiver; and every Receiver shall be so filled with Spirits that at the Time of gauging the same, for the Purpose of charging the Duty thereon, the Depth of Spirits therein shall not be less than Fifteen Inches; and if in any Distillery a Spirit Receiver shall be used which shall not be so made, placed, and fixed as aforesaid, or which shall not be of a Depth sufficient to admit of the Gauge of the Spirits therein being taken of the Depth aforesaid, or if a Distiller

shall neglect or refuse to cause any Spirit Receiver used in his Distillery to be so filled with Spirits that at the Time of gauging the same the Depth of Spirits therein shall not be less than as aforesaid, unless from any unavoidable Cause or Circumstance he shall be unable so to do, the Distiller shall forfeit the Sum of Fifty Pounds.

Commissioners may allow Spirit Receivers, erected before 10th Oct. 1853 of a less Depth than 15 Inches to be used.

Mode of gauging and charging Spirits in such Case.

XIX. Provided always, That it shall be lawful for the Commissioners to allow the Use of any Spirit Receiver which before the Tenth Day of *October* One thousand eight hundred and fifty-three was erected and in use in a Distillery, although the same may be of so large an area that the Spirits distilled from the Wash contained in the respective Wash Backs of the Distillery may be insufficient to fill such Receiver to the Depth aforesaid; and in such Case, as well as in any other Case in which the Depth of Spirits in any Spirit Receiver shall be less than Fifteen Inches, the Charge of Spirits therein shall be made on the next Tenth Part of an Inch marked on the graduated Scale on the Dipping Rod, above the Point which the Dip of such Spirits in the Receiver shall indicate thereon; and the said next Tenth on the said graduated Scale shall be deemed to be the actual Dip of the Spirits, and the Officer shall enter the same in his Survey Book, and charge the Duty accordingly, making an Allowance to the Distiller of One Half of a Gallon in every One hundred Gallons of the Quantity so charged, computed at the strength of Hydrometer Proof.

Commissioners may require Apparatus to be applied to Spirit Receiver to prevent Fraud.

XX. The Commissioners may require any Distiller to erect and apply at his own Expense in his Distillery any Apparatus or Machine which they may think proper for the Purpose of preventing the Supply Cock and the Discharge Cock of the Spirits Receiver being both open at the same Time, and for registering the Number of Times each Cock has been opened; and if the Distiller shall neglect or refuse to provide and apply any such Apparatus or Machine, on being required so to do, he shall forfeit the Sum of Two hundred Pounds.

Penalty for any Pipe or Opening in any Still of a Distiller, Rectifier, or Compounder except as herein described.

XXI. If in a Distillery, or any House for distilling, rectifying, or compounding Spirits, or any Place adjoining thereto, there shall be any Pipe or Conveyance whatsoever leading directly or indirectly to or from a Still, or if there shall be any Opening whatever into or out of a Still, other than such Pipes, Conveyances, and Openings as are prescribed by this Act, or if there shall be any Opening whatever into or out of the Worm of a Still, except the Communication which such Worm shall have with the Still, and the Opening into the Safe at the End of such Worm, and except such Air Valve or Conductor as shall be approved of by the Commissioners, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

XXII. In

Distillers, &c. to make an Opening in their Stills, through which Officers may take Samples, and the Stills be cleansed.

XXII. In every Still used by a Distiller, Rectifier, or Compounder there shall be a Hole or Opening, whereby the Officers may be enabled to take Gauges and Samples; and such Hole or Opening shall be not less than Two Inches in Diameter, and so contrived that the Officers may take Samples from the Still with a Phial, to be drawn perpendicularly through the same, and that the Still may be thereby cleansed, subject to such Directions as the Commissioners may give in that Behalf; and proper Fastenings shall be provided for locking and securing the said Hole or Opening, and for securing the Head of the Still and the Furnace Door thereof, and all such Fastenings shall be locked and secured by the proper Officer; and if a Still shall be set up or used by a Distiller, Rectifier, or Compounder in which there shall not be such Hole or Opening as aforesaid, or if a Distiller, Rectifier, or Compounder shall not observe any Directions which may be given by the Commissioners as aforesaid in that Behalf, he shall forfeit the Sum of Two hundred Pounds.

Fastenings to be provided for securing such Opening and the Head and Furnace Door of the Still.

The End of the Worm of every Still in a Distillery to be enclosed and secured, and the Spirits run into a close Safe, &c.

XXIII. The End of the Worm of every Still in a Distillery shall be enclosed and secured in such Manner and by such Mechanism and Means as the Commissioners shall direct; and all Low Wines, Feints, and Spirits running from the End of the Worm shall run from thence directly into a Safe enclosed and secured as aforesaid, and shall be conveyed directly, and by such a Pipe as aforesaid open externally to the Inspection and Examination of the Officers for the whole Length thereof, from the Safe into the Receivers respectively; and if upon Demand by the proper Supervisor or Officer the End of every Worm shall not be enclosed and secured, and maintained and kept enclosed and secured in manner aforesaid, or if the whole of the Low Wines, Feints, or Spirits coming from the Worm shall not be run directly into a Safe so enclosed and secured as aforesaid, or if the Low Wines, Feints, and Spirits respectively, and every Part thereof, shall not be successively conveyed from the Safe into the Low Wines Receiver, Feints Receiver, and Spirit Receiver respectively, directly and by such a Pipe or Pipes as aforesaid, or if such Mechanism and Means of enclosing the End of the Worm and the Safe as aforesaid shall not be affixed and kept and preserved affixed as aforesaid, or if, after the End of any Worm and any Safe respectively are enclosed and secured, the Mechanism or Means by which the same shall be enclosed and secured shall be destroyed or injured, or if by any Contrivance Access shall be gained or had (except by the Sample Cock of such Safe), without Notice to or not in the Presence of the Officer, to the enclosed end of the Worm, or to any Low Wines, Feints, or Spirits,

Spirits, from the Time of the Extraction or Distillation thereof in the Still, until the same have been taken account of by the Officer in the proper Receiver, or if the Officer shall be in any Manner prevented from, or hindered, baffled, or defeated in ascertaining the Strength and Quality of any Low Wines, Feints, or Spirits whilst running, or in taking a true account thereof in the Receiver, the Distiller shall forfeit the Sum of Two hundred Pounds.

Discharge Cock to be fixed to each Still and kept locked.

XXIV. There shall be a Discharge Cock fixed to every Still in a Distillery, and where there shall not be a Spent Lees Receiver such Discharge Cock on every Low Wines Still shall be kept safely and securely locked by the proper Officer, except when opened by him on reasonable Notice given by the Distiller, not oftener than once in Six Hours; and such Discharge Cock shall not be more than Three Feet distant from the Body of the Still, or Eighteen Inches from the Brickwork, and shall be firmly attached to the Still by a straight Metal Pipe; and such Discharge Cock and Pipe respectively shall be so fixed and placed as that the Officers may at all Times have free and convenient Access to the same.

A Discharge Cock or Plug to be fixed in each fermenting Wash Back.

XXV. Every Distiller shall provide and fix to the Satisfaction of the Supervisor a proper Discharge Cock or Plug and Plughole in every Fermenting Wash Back, through which Cock or Plughole the Wash in such Wash Back shall from Time to Time be conveyed by a Main Pipe or open Trough into the Jack Back, if any, or into the Wash Charger; and such Main Pipe or Trough shall be placed and fixed in such Manner that all Wash or Liquor put therein shall forthwith run and be discharged from thence into the Jack Back or Wash Charger, as the Case may be, and not elsewhere; and there shall not be any other Pipe or Conveyance entering into or passing out of any Wash Fermenting Back, except the Pipe for conveying Wort into the Fermenting Back from the Coolers and a Sewer Cock or Plug for carrying off the Water wherewith the Back may have been cleansed; but a Distiller may lawfully place any close Metal Pipe in but not opening into any Wash Back, for the Purpose of conveying through the same hot or cold Air or Water for the Purpose of promoting or retarding the Fermentation of the Worts or Wash contained therein.

Construction of Cocks used.

XXVI. Every Cock kept or used by a Distiller, Rectifier, or Compounder shall be constructed in such Manner as shall be from Time to Time directed or approved by the Commissioners, on pain of his forfeiting the Sum of Fifty Pounds for every such Cock which shall be otherwise constructed.

Distiller, Rectifier,

XXVII. Every Distiller, Rectifier, and Compounder respectively

spectively shall, at his own Expense, provide, maintain, and keep the several Utensils, Cocks, Pumps, Pipes, and Troughs which are required by this Act, and shall also at his own Expense provide, maintain, and keep proper and sufficient Fastenings for securing the several Cocks and Plugs by this Act directed to be secured, and for securing the Covers of or belonging to the Chargers and Receivers herein-before mentioned respectively, and also for securing the Pumps, Vessels, and Utensils allowed or required for the Purposes mentioned in this Act; and the Officer surveying any Distillery shall lock, secure, and fasten the several Cocks, Plugs, Covers, Pumps, Pipes, Vessels, and Utensils for which Fastenings are required to be provided in such Manner as the Commissioners may direct, and shall keep the same so locked, secured, and fastened at all Times, except when he shall be required under the Provisions of this Act to attend, and shall attend to unlock and open the same.

and Compounder to provide proper Cocks, Pumps, Fastenings, &c. at his own Expense.

XXVIII. All Cocks, Plugs, Pumps, Pipes, Troughs, and other Utensils required by this Act shall be provided, placed, and affixed as by this Act directed, and kept in proper Repair and Condition by and at the Expense of the Distiller, Rectifier, or Compounder to the Satisfaction of the Supervisor or other superior Officer; and if a Distiller, Rectifier, or Compounder shall not, before he shall proceed to brew or make Wort or Wash, or to distil, rectify, or compound Spirits, provide, place, and affix, or shall not afterwards maintain all such Cocks, Plugs, Pumps, Pipes, Troughs, and Utensils to the Satisfaction of the proper Supervisor or other superior Officer, or shall not cause the same to be altered, amended, repaired, or renewed when and as often as he shall be required by such Supervisor or superior Officer, such Distiller, Rectifier, or Compounder so offending shall forfeit the Sum of Two hundred Pounds; and if a Distiller, Rectifier, or Compounder shall place, affix, or make any Cock, Plug, Pipe, Conveyance, or Opening to or in or into or from any Vessel or Utensil contrary to any Prohibition contained in this Act, or if he shall, in the Construction of any Cover, Fastening, Cock, Plug, Pump, or Pipe, cause or procure the same to be so made, or shall use the same when so made, as that any Vessel or Utensil may be employed, opened, removed, filled, or emptied in the Absence of the proper Officer, or so as in any Manner to avoid or defeat the Security intended to be given or provided by any of the Regulations of this Act, such Distiller, Rectifier, or Compounder shall forfeit the Sum of Five hundred Pounds.

All Cocks, Plugs, Pumps, &c. to be kept and affixed to the Satisfaction of the Officer, and repaired at the Expense of the Distiller, Rectifier, and Compounder.

Penalty for Neglect.

Penalty for Fraud.

XXIX. At or near the Top of every Fermenting Wash Back,

Backs and fixed Ves-

sels for keeping Spirits of Distillers, Rectifiers, and Compounders, Dealers and Retailers to have a Dipping Place therein, and be gauged and tabled by the Officers.

Back, and of every fixed and entered Vessel for storing or keeping Spirits in the Premises of a Distiller, Rectifier, or Compounder, Dealer or Retailer, there shall be an Opening or Dipping Place, at which the Officer may conveniently take his Dip or Gauge of the Contents of such Vessel; and a Plate of Brass or other Metal shall be fixed at such Dipping Place to secure the same from being worn or altered; and all such Backs and Vessels respectively shall be gauged and tabled by the Officers in such Manner as shall be directed by the Commissioners, and shall be placed and kept in convenient Situations, and be at all Times easy of Access to the Officer for his more readily and effectually examining the same in every Part, and taking the Dip or Gauge thereof; and if in any Back or Vessel there shall not be such Opening or Dipping Place so constructed and secured as aforesaid, or if any Back or Vessel shall not be placed and kept in a convenient Situation and easy of Access to the Officer, or if the Officer shall by any Means or in any Manner whatever be prevented from ascertaining the Quantity and Gravity, or either of them, of the Wort or Wash contained in any Fermenting Wash Back, or the Quantity or Strength of any Low Wines, Feints, or Spirits in any Vessel, the Distiller, Rectifier, or Compounder, Dealer or Retailer, shall forfeit the Sum of Two hundred Pounds.

Commissioners may order more than One Dipping Place to be made in Spirit Receivers or in the Covers of Store Casks or Vats of Distillers.

XXX. The Commissioners, where they shall see fit, may order that there shall be Two or more such Dipping Holes as aforesaid in the Cover of any Spirit Receiver and in the Cover of any Store Cask or Vat used in a Distillery; and such Dipping Holes shall be made in such Places in the Cover of the Receiver, Store Cask, and Vat respectively as the Commissioners shall direct; and in One of such Dipping Holes in the Spirit Receiver there shall be placed a Dipping Rod, provided by the Officer, who shall secure the same in such Manner as to him shall seem expedient to prevent the Removal thereof; and each of the other Dipping Holes in the Spirit Receiver, and also the Dipping Holes in the Store Cask or Vat, shall be secured in such Manner as the Supervisor shall think proper; and if a Distiller shall refuse or neglect to cause such Dipping Holes or any additional Dipping Hole to be made, pursuant to the Order or Direction of the Commissioners, in any Spirit Receiver, or in any Spirit Store Cask or Vat used in his Distillery, or if he shall remove the Dipping Rod out of a Receiver, or remove the Fastening from any Dipping Hole, or otherwise gain Access to the Spirits in any such Vessel as aforesaid by means of any Dipping Hole, he shall forfeit the Sum of Two hundred Pounds.

XXXI. If

XXXI. If the Opening or Dipping Place or the level of any Still, Back, Receiver, Store Cask, Vat, or other Vessel or Utensil in the Distillery or Premises of a Distiller, Rectifier, or Compounder, Dealer or Retailer, shall be in any Manner altered, or if any Device or Contrivance whatever shall be used to deceive any Officer in taking the Dip or Gauge of any Still, Back, Receiver, Store Cask, Vat, or other Vessel or Utensil, or to prevent any Officer from taking a true Account of the Quantity of Wort, Wash, Low Wines, Feints, or Spirits which may be contained therein respectively, the Distiller, Rectifier, or Compounder, Dealer or Retailer, shall forfeit the Sum of Two hundred Pounds. Penalty if Dipping Place of any Still or Vessel be altered, or any Device used to deceive the Officer.

XXXII. If the Situation, Position, Size, or Capacity of any entered Still, Back, Receiver, or other Vessel, Utensil, or Pipe in the Distillery or Premises of a Distiller, Rectifier, or Compounder shall be in any Manner altered after Entry made thereof, or after the proper Officer shall have ascertained the Capacity or Content thereof, unless on such notice as is herein provided, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds; but it shall be lawful to alter the Size, Situation, or Position of any entered Still, Back, Receiver, or other Vessel or Utensil or Pipe, or to erect and set up any new one, on giving Two Days Notice in writing of such intended Alteration to the proper Officer, specifying the particular Still, Back, Receiver, or other Vessel, Utensil, or Pipe the Size, Situation, or Position whereof is intended to be altered, and on making due Entry of such new one, and conforming in all respects to the Regulations in this Act contained in that Behalf. Penalty on Distiller, Rectifier, or Compounder if the Position or size of any Still or Vessel be altered without Notice.

XXXIII. Provided always, That it shall be lawful for the Commissioners to permit a licensed Distiller, Rectifier, or Compounder working under the Regulations of any Act in force prior to the passing of this Act to keep or use such of the Vessels or Cocks already fixed or used in his Distillery or Premises as shall in the Judgment of the Commissioners be secure and adapted to the Purposes for which the same are respectively prescribed or required by this Act; and no Person to whom such Permission shall be granted shall be liable to any Penalty under this Act in respect of his keeping or using any such Vessels or Cocks so permitted, although the same may not be conformable to the Provisions hereof. Commissioners may authorize Distillers and others to use their present Utensils, although not conformable to the Provisions of this Act.

XXXIV. Whenever any Officer shall require that the Water contained in any Worm Tub in a Distillery, at any Time when the Still shall not be at Work, shall be drawn off, and the Tub and Worm cleansed, the Water shall forthwith be drawn off, and the Tub and Worm cleansed by the Distiller Officer may require the Water to be drawn off from the Worm

or

Tub for Examination of the Worm and Tub.

or his Servants or Workmen accordingly; and the Water shall be kept and continued out of such Worm Tub for the space of Two Hours, or until the Officer has finished his Examination thereof; and for any Refusal or Neglect to comply with the Requisition of the Officer in this Behalf, or the Provision in this Clause contained, the Distiller shall forfeit the Sum of Two hundred Pounds, and it shall be lawful for the Officer to draw off such Water, or any Portion of it, and to keep the same drawn off for so long a Time as he shall think necessary.

The true Content to be marked on moveable Casks, and also the Name or Firm of the Distiller, &c. and the Place where his Stock is kept.

XXXV. Every Distiller, Rectifier, and Compounder respectively shall cause to be legibly cut, branded, or painted with Oil Colour, on the outside of both of the Heads or Ends of every rolling or moveable Cask used in his Distillery or Premises for keeping or delivering out Spirits, and shall at all Times keep so cut, branded, or painted thereon, his Name or Firm, and the Name of the Place where his Stock is kept, and also the full and true Number of Gallons, and when the Number is less than Eighty Gallons any Quarter or Quarters of a Gallon over and above any Number of entire Gallons which any such Cask shall be capable of containing; and if any Cask which shall be used for any Purpose aforesaid shall not have so cut, branded, or painted thereon the several Particulars aforesaid according to the Directions of this Act, such Cask, together with any Spirits contained therein, shall be forfeited.

Making Entry of Premises and Utensils, and Regulations having reference to licensed and entered Premises.

Utensils and Rooms to be marked.

XXXVI. Every Distiller, Rectifier, and Compounder respectively shall cause to be legibly painted with Oil Colour, and shall keep so painted, upon some conspicuous Part of every Vessel and Utensil intended to be used by him in his Trade or Business, and on the Outside of the Door of every Room and Place wherein any Part of his Trade or Business is to be carried on, or any Spirits are to be kept, the Name of such Vessel or Utensil, Room or Place, according to the Purpose for which it is intended to be used, and shall also paint thereon, in like Manner, separate Numbers relating to the same respectively, in arithmetical Progression, beginning with Number One for each Denomination or Description of Vessel or Utensil, Room or Place, upon pain of forfeiting the Sum of Fifty Pounds for every Neglect or Omission in this respect.

Entry to be made of the

XXXVII. Before a Distiller shall give notice of brewing or making and before he shall begin to brew or make Wort or Wash, and before a Rectifier or Compounder shall receive,

rectify,

rectify, or compound Spirits, such Distiller, Rectifier, and Compounder respectively shall make Entry by delivering or causing to be delivered to the proper Officer, to be by him entered and registered, an Account in Writing signed by the Distiller, Rectifier, or Compounder, setting forth his Name and Place of Abode, and the Place where the Premises intended to be entered are situated, and also setting forth a true and particular Description of every Vessel and Utensil intended to be therein used for the Purposes of such Trade or Business, and the Number of Gallons which every Still, together with the Head thereof, is capable of containing, or the Number of Gallons of Wash *per* Hour which every Distilling Apparatus is capable of distilling; and specifying fully and distinctly the Purpose for which each Vessel and Utensil is intended to be used; and also an Account of the several Houses, Rooms, and Places to be used for distilling, rectifying, or compounding Spirits therein, or in which any Part of such Business is to be carried on, or any Spirits are to be kept or deposited, and specifying also the particular Purpose for which every such House, Room, and Place is to be used; and in such written Account every Utensil, and every House, Room, and Place respectively, shall be distinguished by the separate and distinct Number and Name relating thereto respectively, which shall have been painted thereon pursuant to the Provision herein contained in that Behalf; and every such Account shall be in such Form and shall contain such Particulars as shall be from Time to Time required or directed by the Commissioners; but no Still or other Vessel or Utensil, nor any House, Room, or Place, shall be described in such Account as intended to be used for more than One Purpose respectively; and every Entry in which any Still or other Vessel, House, Room, or Place shall be described as intended to be used for Two or more Purposes shall, as regards such Distiller, Rectifier, or Compounder, be deemed to be void, and he shall forfeit the Sum of Two hundred Pounds.

several Places and Utensils of Trade.

No Still or Utensil to be entered as used for more than One Purpose.

XXXVIII. And with every such Account as aforesaid there shall be delivered a Drawing, Model, or Description distinctly showing the Course, Construction, and Use of all fixed Pipes to be used by the Distiller, Rectifier, or Compounder, and of every Branch thereof, and of every Cock thereon, together with every Place, Vessel, or Utensil from or to or with which any such Pipe shall lead or communicate; and every Pipe to be used by the Distiller, Rectifier, or Compounder, except for the Conveyance of Water and Spent Wash only, shall be so fixed and placed as to be capable of being examined by the Officer for the whole of its Length or Course, and shall be painted

Drawing or Model to be given showing the Course of every fixed Pipe to be used in a Distillery, or by a Rectifier or Compounder.

painted and kept painted as herein-after mentioned; that is to say, every pipe for the Conveyance of Wort or Wash shall be painted of a Red Colour, every Pipe for the Conveyance of Low Wines or Feints shall be painted Blue, every Pipe for the Conveyance of Spirits shall be painted Black, and every Pipe for the Conveyance of Water shall be painted White; and if any Pipe shall be used by a Distiller, Rectifier, or Compounder not set forth as aforesaid, or for any other Purpose than shall be so set forth, or which, except as aforesaid, shall not be fixed or placed, or painted and kept painted as herein directed, or which shall be painted otherwise than as herein directed, he shall forfeit the sum of Fifty Pounds.

Penalty for using any Still, Utensil, &c., or Place not duly entered or contrary to the Entry.

XXXIX. If a Distiller, Rectifier, or Compounder shall use a Still, Vessel, or Pipe, or any Utensil whatever for any Purpose connected with the distilling, rectifying, or compounding of Spirits, or a fixed Cask for holding Spirits, or a House, Room, or Place for carrying on any Part of the Process of Distillation, Rectification, or compounding of Spirits, or for the keeping of Spirits, which Still, Vessel, Pipe, Utensil, Cask, House, Room, or Place shall not be set forth in the Account required to be signed and delivered by him as aforesaid, or which shall not be numbered as set forth in such Account, or which shall be in any other Place, or be used or applied for or to any other Purpose than shall be set forth in such Account, or shall not in all respects correspond with the Representation thereof as set forth therein, he shall forfeit the Sum of Five hundred Pounds; and every such Still, Vessel, Pipe, or other Utensil or Cask, and all Spirits or Materials for distilling or making Spirits which shall be contained therein, or which shall be found in any such House, Room, or Place, shall be forfeited.

No Entry of any Distillery or Utensils to be withdrawn whilst Wash or other Materials for Distillation remain therein.

XL. No Entry of any Distillery, Place, or Utensil for the Purpose of distilling Spirits shall be withdrawn whilst any Still, or any Wash, Low Wines, or other Materials preparing or fit for Distillation are remaining in any of the Places or in any of the Utensils mentioned in such Entry; and the Officers shall continue to survey the Distillery, Places, and Utensils mentioned in the Entry until all Stills shall be removed and the Wash, Low Wines, and other Materials shall be worked off, and the Duties charged on the Produce thereof paid, or until the Spirits made therefrom shall be legally removed from the entered Places.

Rectifying House not to be within a Quarter of a Mile of a

XLI. No Person shall make Entry of or use any House or Premises for rectifying or compounding Spirits, or for receiving or keeping Spirits by any Rectifier or Compounder, within the Distance of One Quarter of a Mile in a direct Line from any House or Premises which shall be entered or used for preparing

preparing Wort or Wash, or for making or distilling Spirits, or for receiving or keeping Spirits by a Distiller; nor shall any Person make entry of or use any House or Premises for preparing Wort or Wash, or for making or distilling Spirits, or for receiving or keeping Spirits by a Distiller within the Distance of One Quarter of a Mile in a direct Line from any House or Premises which shall be entered or used for rectifying or compounding Spirits, or for receiving or keeping Spirits by a Rectifier or Compounder, on pain of forfeiting in every such Case the Sum of Five hundred Pounds for every Week that any such House or Premises shall be entered or used respectively, contrary to any such Prohibition as aforesaid; and the Entry of any such House or Place so made use of contrary to the Intent and Meaning hereof shall, as regards the Person making the same, be null and void; but the Prohibition and Penalty aforesaid shall not extend to any House or Premises entered and used in the Manner herein prohibited on the Fifth Day of *April* One thousand eight hundred and twenty-five, provided such House or Premises have ever since continued, and so long only as the same shall continue, to be so entered and used, and there shall be no Way, Opening, or Communication whatsoever by which Wort, Wash, or Spirits can be removed or conveyed otherwise than through an open public Street or Carriageroad from or to such House or Premises entered or used by a Distiller to or from any such House or Premises entered or used by any other Distiller, or a Rectifier or Compounder.

Distillery, nor a Distillery within a Quarter of a Mile of a rectifying House or of another Distillery.

XLII. No Person shall, upon the same Premises, carry on the Trade or Business of a Distiller, or of a Rectifier or Compounder keeping or using a Still, and of a Brewer of Beer, or of a Maker of Sweets, Vinegar, Cyder, or Perry, or of a Refiner of Sugar, or of a Dealer in or Retailer of Wine, nor shall any Person enter or use for the carrying on of either of the said Trades or Businesses of a Distiller or Rectifier or Compounder keeping or using a Still any House or Premises having any Communication, Opening, or Way internally or through any enclosed or private Yard, Garden, Field, Passage, private Road or Place, or otherwise than through an open public Street or Carriageroad with any other House or Premises used or employed by any Brewer of Beer, or Maker of Sweets, Vinegar, Cyder, or Perry, or Refiner of Sugar, or by any Dealer in or Retailer of Spirits, or by any Dealer in or Retailer of Wine, on pain of forfeiting the Sum of Two hundred Pounds; but where any House or Premises shall have been so entered and made use of as aforesaid by any Person on the Fifth Day of *April* One thousand eight hundred and twenty-five,

Distiller or Rectifier or Compounder not to be a Brewer or a Maker of Sweets, Vinegar, Cider, or Perry, or a Refiner of Sugar, nor carry on his Business on Premises having any private Communication with the Premises of any such Trader.

twenty-five, and shall have continued to be so entered and used up to the Time of the Commencement of this Act, under the special Licence of the Commissioners of the Treasury in that Behalf, it shall be lawful for the Person to whom such Licence was granted to continue the use of such Premises upon the Terms and Conditions on which such Licence was granted until the Expiration or Revocation thereof.

Distillers, Rectifiers, and Compounders to affix a Board on the Front of their Premises importing that they are licensed.

XLIII. Every licensed Distiller, Rectifier, or Compounder shall cause to be painted in Oil Colour, in Letters publicly visible and legible, at least Three Inches in Height, and of a proper and proportionate Breadth, and in White on a Black Ground, the Name or Firm of such Distiller, Rectifier, or Compounder at full Length, followed by the Words "Licensed Distiller," or "Licensed Rectifier," or "Licensed Compounder," as the Case may be; and the Distiller, Rectifier, or Compounder shall cause such Painting to be done or affixed in some conspicuous Place on the Outside of the Front of his Distillery or entered Premises, over the Gate or Entrance Door thereto, not more than Three Feet from the Top of such Gate or Entrance Door, and shall preserve and keep up such Painting during the Continuance of his Licence, and for any Neglect or Default herein he shall forfeit the Sum of Fifty Pounds; and if any Person on or before whose House or other Place any Painting, Board, or Sign shall be affixed or placed importing that such person is a Distiller, Rectifier, or Compounder, or exercises or carries on the Trade of a Distiller, Rectifier, or Compounder, or purporting that such Person is licensed so to do, shall not at the time be duly licensed for such Purpose, he shall forfeit the Sum of Fifty Pounds.

Penalty on unlicensed Persons affixing such Board.

Admission of Officers into entered Premises, and Power to search.

Officers empowered to enter Distilleries and Premises of Rectifiers and Compounders to gauge, &c.

XLIV. It shall be lawful for any Officer, at all Times, as well by Night as by Day, to enter into every House, Distillery, Still House, Outhouse, and Place whatsoever of or belonging to or made use of by any Distiller, Rectifier, or Compounder, and to gauge, measure, and take an Account of every Still or other Vessel or Utensil of any Kind kept or used therein, and to gauge and take an Account of the Quantity and Strength of all Spirits and Compounds therein, and of all Low Wines and Feints which shall be made or distilled, and of the Quantity and Gravity of all Wort and Wash which shall be made use of in any Distillery, and of all Bub and other Compositions for exciting or producing Fermentation in any Wort or Wash, and of all Spirits, and Materials for making or distilling Spirits,

Spirits, which shall be in any Distillery or Premises, or in the Possession of any Distiller, Rectifier, or Compounder; and if any Officer, or any Person acting in his Aid, shall be hindered, obstructed, or prevented by any Distiller, Rectifier, or Compounder, or by any Servant, Workman, or other Person acting for him or in his Employ, from Entering into any Distillery, or any House, Outhouse, or other Place whatsoever of or belonging to or made use of by such Distiller, Rectifier, or Compounder, or if any such Officer or Person shall be, by the Distiller, Rectifier, or Compounder, or his Servant or Workman, or any Person in his Employ, prevented or hindered from, or opposed, obstructed, or molested in the Performance of his Duty under this Act in any respect, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

Penalty for obstructing Officers.

XLV. If any Officer, after having demanded Admittance into the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, and having declared his Name and Business at the Gate or Entrance Door, or at any Window of the Distillery or Premises, shall not be immediately admitted into such Distillery or Premises, it shall be lawful for such Officer, and any Person acting in his Aid, at all Times, as well by Night as by Day (but if by Night then in the Presence of a Constable or other Peace Officer), to break open by Force any of the Doors or Windows, or to break through any of the Walls of such Distillery or Premises necessary to be broken open or through to enable him and them to enter the said Distillery or Premises; and moreover the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

Penalty for not giving Admission to the Officer after declaring his Name and Business.

Officer may break open Distillery or entered Premises on being refused Admittance.

XLVI. If, on Demand of any Officer, made in the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, strong, safe, and convenient Ladders of sufficient Length to enable the Officer to ascend to and examine and gauge and descend from any Vessel or Utensil in such Distillery or Premises, shall not be provided and conveniently and firmly placed, or if any such Ladder shall not be fixed at or in the Part of such Vessel or Utensil where such Officer shall require, or if on a Visit made by any Officer, by Day or by Night, sufficient Lights and Aid shall not, on his Demand, be supplied for the Purpose of enabling him to gauge or ascertain the Content or Capacity of any Vessel or Utensil, or to search for and gauge and take an Account of any Wort, Wash, Bub, Low Wines, Feints, and Spirits, or of any Materials which may be used for Distillation in such Distillery or Premises, or in the Possession of the Distiller, Rectifier, or Compounder, the

Distillers, Rectifiers, and Compounders to furnish Officers with Ladder and Lights.

the Distiller, Rectifier, or Compounder shall forfeit the Sum of One hundred Pounds.

Officers may break up Ground in Distillery or rectifying Premises to search for private Pipes, &c.

XLVII. It shall be lawful for any Officer and any Person acting in his Aid, by Night or by Day, to break up the Ground in any Part of the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, or any Ground adjoining or near to such Distillery or Premises, or any Wall or Partition thereof or belonging thereto, or other Place, to search for any Pipe or Cock, or private Conveyance or Utensil, and upon finding any such Pipe or Conveyance leading therefrom or thereto to break up any Ground, House, Wall, or other Place through or into which such Pipe or other Conveyance shall lead, and to break up or cut away such Pipe, Cock, or other Conveyance, and to turn any Cock, and to examine whether such Pipe or other Conveyance may convey or conceal any Wort, Wash, or other Liquor which may be used for Distillation, or Low Wines, Feints, or Spirits, from the Sight or View of the Officer, so as to prevent or hinder him from taking a true Account thereof.

Upon Oath made of Grounds to suspect any private concealed Still or private Distillation, a special Warrant to break open the suspected House, and to seize such Stills, Spirits, &c, may be granted.

XLVIII. If any Officer of Excise or Customs shall know or have Cause to suspect that a private or concealed Still, Back, or other Vessel or Utensil for making Worts or Wash, or for making or distilling Low Wines or Spirits, or any privately made Spirits or Low Wines, or any Wash or other Materials preparing for Distillation, are kept or deposited in any House or Place, then, if such House or Place shall be within the Limits of the Chief Office, upon Oath made by such Officer before Two of the Commissioners, or before any Metropolitan Police Magistrate sitting at a Metropolitan Police Court, or if the same shall be at any Place out of the said Limits, then upon Oath made by such Officer before a Justice of the Peace of the County or Place, setting forth the Ground of Suspicion, it shall be lawful for the said Commissioners or Magistrate or Justice before whom such Oath shall be made, if they or he shall judge it reasonable, by Warrant under their Hands respectively, to authorize and empower such Officer, and any Person whom he may call to his Assistance, by Day or by Night (but if in the Night-time then in the Presence of a Constable or other lawful Officer of the Peace, who is hereby required to be aiding therein), to break open the Door or any Part of such House or Place where he shall so know or suspect such private or concealed Still, Back, or other Vessel, Utensil, Spirits, Low Wines, Wash, or Materials for Distillation are so kept or deposited, and to enter into such House or Place, and to seize all Stills, Backs, or other Vessels and Utensils, and all Spirits, Low Wines, Wash, and other Materials preparing

preparing for Distillation, which he shall find and discover, and either to detain and keep the same in the House or Place where found, or to remove the same to the Office of Excise or other Place of safe Custody near to the Place where the same shall be so discovered and found; and in case the same shall not within Ten Days next after the Seizure be claimed by the true and lawful Owner thereof, then they shall be absolutely forfeited; and the Proprietor of any private or concealed Still, Back, or other Vessel or Utensil, or the Person in whose Custody the same shall be found, whether the same be claimed or not, shall forfeit for every Place in which the same shall be found, and also for every such Still, Back, Vessel, and Utensil found therein, the Sum of Two hundred Pounds; and if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise or Customs, or other Person acting in his Aid, in the seizing of any such private or concealed Still, Back, or other Vessel or Utensil, Spirits, Low Wines, Wash, or other Materials for Distillation, or in detaining or keeping or removing the same or any of them after Seizure, the Person so offending shall forfeit the Sum of Two hundred Pounds: Provided always, that any Officer of Excise or Customs may lawfully seize any such private or concealed Still, Back, or other Vessel or Utensil, Spirits, Low Wines, Wash, or other Materials for Distillation, without such Warrant as aforesaid.

Penalty for obstructing Officer.

Materials for the Distillation of Spirits.

XLIX. No Distiller shall distil or make Spirits otherwise than from Wort or Wash brewed or made in his Distillery; and it shall not be lawful for a Distiller to have in his Possession any Wort, Wash, Low Wines, Feints, or fermented Liquor which shall not have been brewed or made in his Distillery under the Provisions of this Act, on pain of forfeiting the same, and also the Penalty of Two hundred Pounds.

Distiller to use only Wort or Wash made in his Distillery.

L. In the brewing or making of Wort or Wash for the Distillation of Spirits, a licensed Distiller may use any Material whatever, provided the Wort or Wash produced therefrom be capable of having the Gravity thereof ascertained by any Saccharometer approved of by the Commissioners for that Purpose.

What Materials may be used in making Wort.

LI. Provided always, That if, during the Recess of Parliament, it shall, from the excessive Price of Corn, appear to Her Majesty to be expedient, it shall be lawful, by Her Majesty's Royal Proclamation, to be issued by and with the Advice of Her Privy Council, or by Her Order in Council to be published in the *London Gazette*, to prohibit the distilling or making of Spirits from Barley,

During the Recess of Parliament Her Majesty may, by Proclamation, pro-

hibit the Distillation of Spirits from Corn.

Barley, Malt, or any Sort of Grain, and from Meal or Flour during such Recess, and until Twenty Days after the Commencement of the then next Session of Parliament.

Distiller may grind Malt with Mill Stones.

LII. Malt to be used by any Distiller in the Distillation of Spirits may be ground by Mill Stones or by such other Means as he may think fit in the secured Mill Room at his Distillery.

As to the using of Sugar, Molasses, and Treacle in the Distillation of Spirits.

Distillers, on giving Security, to have Duty-free Sugar and Molasses delivered to them, to be used in distilling Spirits.

LIII. Every Distiller who shall have given Security as herein-after mentioned shall be entitled to remove, on such Terms and Conditions and in such Manner as the Commissioners of Inland Revenue shall think fit, Sugar and Molasses, without previously paying the Duties of Customs or Excise thereon, from any Customs or Excise Warehouse in which the same may be deposited to the proper Store-room at his Distillery provided for Sugar and Molasses, for the sole Purpose of being consumed in the distilling of Spirits; and all such Sugar and Molasses which shall be so consumed shall be free from the Duties of Customs or Excise.

Distiller to give Bond with Sureties conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits.

LIV. Every Distiller intending to use Sugar or Molasses Duty-free in the distilling of Spirits shall enter into a Bond to Her Majesty, with sufficient Sureties, to the Satisfaction of the Commissioners of Inland Revenue or the Commissioners of Customs, and in such Sum as the said respective Commissioners shall think proper, conditioned that all Sugar and Molasses which shall be from Time to Time delivered to him from any Warehouse without Payment of the Duties of Customs or Excise thereon shall be forthwith duly conveyed to and deposited in the proper Store-room for Sugar and Molasses provided at his Distillery, and shall from Time to Time within the space of One Calendar Month next after the Delivery thereof from any such Warehouse be used and consumed by him solely in the distilling of Spirits in his Distillery; and the Condition of such Bond shall also contain all such further Terms and Stipulations as the said Commissioners respectively shall deem to be necessary or proper for preventing Frauds in relation to the Use or Disposal of Sugar or Molasses delivered Duty-free for the Purpose aforesaid; and the Distiller shall give a fresh Bond, with Sureties, as aforesaid, when and as often as he shall be required so to do by the said Commissioners respectively, and in default thereof he shall not be entitled to have Sugar or Molasses Duty-free.

No Sugar or Molasses to

LV. No Distiller shall receive into his Possession any Sugar or Molasses, to be used for the Distillation of Spirits, except from

from the Warehouse in which the same was warehoused under the Laws and Regulations of the Customs or Excise, and in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon in which it was cleared and delivered from the Warehouse; and all such Sugar or Molasses shall be accompanied with a Certificate from the proper Officer of Customs or Excise, setting forth the Name of the Warehouse or Place from which the Sugar or Molasses is removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Kind or Quality of such Sugar or Molasses, and the Number of Hogsheads, Puncheons, Casks, Bags, and Packages in which the same is contained, together with the Marks and Numbers thereon respectively, and the Tare and Net Weight of each; and every Distiller who shall receive into his Possession any Sugar or Molasses except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall forfeit the Sum of Two hundred Pounds, and all such Sugar or Molasses shall also be forfeited.

Sugar to be received by Distillers except from the Customs or Excise Warehouse, and in the same State as when cleared, and accompanied with a Certificate from the Officer.

LVI. No Distiller shall receive into his Possession any Treacle for the Distillation of Spirits, except from the Warehouse of the Sugar Refiner or Manufacturer of such Treacle from Sugar or Molasses, and in the same State, and in the same Hogsheads, Puncheons, or Casks (none of them being of less Content than Fifty Gallons), with the same Marks and Numbers thereon, in which the same was first prepared and packed in Warehouse; and all such Treacle shall be accompanied with a Certificate from the Sugar Refiner or Manufacturer by whom the same was made or prepared, setting forth the Name of the Warehouse or Place where such Treacle was made, and from which the same was removed, and the Name of the Distillery and Distiller whither and to whom the same is to be carried, and the Number of Hogsheads, Puncheons, and Casks in which the same is contained, together with the Marks and Numbers thereon respectively, and the Tare and Net Weight of each; and every Distiller who shall receive into his Possession any Treacle otherwise than as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall forfeit the Sum of Two hundred Pounds, and all such Treacle shall also be forfeited.

No Treacle to be received by Distillers, except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, nor unless accompanied with a Certificate from the Refiner or Manufacturer.

LVII. Every Distiller intending to use Sugar, Molasses, or Treacle in the Distillation of Spirits shall provide and keep a separate and convenient and secure Storehouse or Room for each (if so required by the Commissioners) at his Distillery, which Storehouse or Room shall be sufficiently lighted, and shall be subject to the Approval of the Commissioners, for the Purpose

Distiller using Sugar, Molasses, or Treacle to provide a Storehouse at his Dis-

tillery in which the same shall be deposited and secured.

Purpose of depositing and securing therein the Sugar, Molasses, or Treacle received by him for the Distillation of Spirits; and every such Storehouse or Room, when so approved of, shall be specially entered by the Distiller for the Purpose aforesaid, and the Collector or Supervisor shall provide and affix proper Locks thereto, and the Distiller may, if he please, at his own Expense, provide and affix other Locks thereto, the Keys of which last-mentioned Locks he may keep; and in such separate Storehouse or Room the Distiller shall keep all Sugar, Molasses, or Treacle received by him, and which shall be deposited therein in the Presence of the proper Officer, and on such Notice as after mentioned; and no Sugar, Molasses, or Treacle shall be delivered or removed out of such Storehouse or Room except in the Presence of the Officer, and on such Notice as after mentioned, and for the Purpose of being conveyed immediately to the Mash Tun or to such other Vessel as, with the Approbation of the Commissioners, shall be entered for that Purpose, to be there immediately dissolved and used in the Manufacture of Spirits; and if any Distiller shall refuse or neglect to provide and keep such Storehouse or Room, or to make Entry thereof as aforesaid, or shall deposit therein or remove therefrom any Sugar, Molasses, or Treacle, except in the Presence of and upon due Notice to the proper Officer, and except for such Purpose as aforesaid, or shall not deposit in a separate and secure Storehouse or Room as aforesaid all Sugar, Molasses, or Treacle received by him, he shall forfeit the Sum of Two hundred Pounds; and all Sugar, Molasses, and Treacle deposited or removed contrary hereto shall also be forfeited.

No Sugar, &c. to be removed out of such Storehouse except in the Presence of the Officer.

Distiller to give 12 Hours Notice to the Officer of receiving Sugar, &c., and produce the same to him in the same State as received to be deposited in the Storehouse.

LVIII. Every Distiller shall, before receiving any Sugar, Molasses, or Treacle to be used for the Distillation of Spirits, give Twelve Hours previous Notice in Writing to the Officer surveying his Distillery of the Time when the same is to arrive; and the Distiller shall, on the Attendance of the Officer on such Notice, produce to him all the Sugar, Molasses, or Treacle respectively received by him, in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, as when cleared and delivered from the Customs or Excise Warehouse if Sugar or Molasses, or as when prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof if the same be Treacle; and the Distiller shall at the same Time deliver up to the Officer the Certificate which accompanied such Sugar, Molasses, or Treacle, and on being required by the Officer the Distiller shall weigh or cause to be weighed, and shall give the Officer all necessary Assistance in taking account

count of all such Sugar, Molasses, and Treacle, in such Manner as the Commissioners may direct; and the Officer after due Examination, and on being satisfied therewith, shall permit the Distiller to deposit the same in the Storehouse or Room provided as before mentioned; and if a Distiller shall receive any Sugar, Molasses, or Treacle without having given such Notice, or shall fail to produce such Sugar, Molasses, or Treacle, or to deliver up such Certificate as aforesaid, or if, before such Officer has seen such Sugar, Molasses, or Treacle weighed and taken account of and deposited, the Distiller shall make any Alteration in the Quantity or Quality thereof, or in the Hogsheads, Puncheons, Casks, Bags, or Packages containing the same, or in the Marks or Numbers thereon respectively, when such Sugar or Molasses was cleared and delivered from the Customs or Excise Warehouse, or when such Treacle was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof, such Distiller shall forfeit the Sum of Two hundred Pounds, and all such Sugar, Molasses, and Treacle shall also be forfeited.

Four Hours Notice to be given before removing Sugar, &c. from the Storehouse to the Mash Tun.

LIX. When a Distiller shall be desirous of taking Sugar, Molasses, or Treacle out of the Storehouse or Room, for the Purpose of using the same for the Distillation of Spirits, he shall give Four Hours previous Notice in Writing to the proper Officer of the Time when he desires to take out the same, and specify the Quantity thereof; and the Officer receiving such Notice shall attend at the Time therein mentioned, and shall unlock the Storehouse or Room from which the Sugar, Molasses, or Treacle is to be removed, and shall see weighed out therefrom the Quantity expressed in such Notice, and the same shall be delivered from the Storehouse or Room in the original Package only, and shall then be conveyed directly from the Storehouse or Room to the Mash Tun, or to such other Vessel as, with the Approbation of the Commissioners, shall be entered for that Purpose, to be there dissolved and used in the Manufacture of Spirits, or shall forthwith be again deposited in the Storehouse or Room as aforesaid, under the Lock of the Officer, to be again removed only on the like Notice; and if a Distiller removing Sugar, Molasses, or Treacle shall not convey the same directly from the Storehouse or Room to the Mash Tun or to such other Vessel as aforesaid, and there dissolve and use the same in the Manufacture of Spirits, or otherwise forthwith deposit the same again as aforesaid, or shall remove or dispose of the same otherwise than as aforesaid, he shall forfeit the Sum of Two hundred Pounds; and all Sugar, Molasses, and Treacle so removed, and not conveyed, dissolved, and used, or again deposited as aforesaid, and all Sugar, Molasses, and Treacle

Sugar, &c. to be conveyed direct from the Storehouse to the Mash Tun, or redeposited.

Treacle found deposited in any Place in the Distillery, or in any Premises adjoining thereto, other than the separate Storehouse or Room or Mash Tun or such Vessel as aforesaid, shall also be forfeited.

Officer to keep an Account of the Stock of Sugar, &c. in the Storehouse.

LX. The proper Officer shall, in such Manner as the Commissioners may direct, keep an Account by way of Debtor and Creditor of the Sugar, Molasses, and Treacle respectively in Stock in each separate Storehouse or Room provided by the Distiller; and shall in such Account debit the Stock with the Quantity of Sugar, Molasses, and Treacle respectively from Time to Time deposited in the Storehouse or Room, and shall credit the Stock with the Quantity from Time to Time weighed and delivered out in his Presence; and if at any Time, upon striking a Balance on such Account, the Quantity in the Storehouse or Room be found to exceed the Quantity which by the said Stock Account ought to be therein, the Distiller shall be deemed to have deposited Sugar, Molasses, or Treacle therein without Notice to and not in the Presence of the proper Officer, and all such Excess of Sugar, Molasses, or Treacle shall be forfeited; and if the Quantity in such Storehouse or Room be found to be less than the Quantity which by the said Stock Account ought to be therein, the Distiller shall be deemed to have removed Sugar, Molasses, or Treacle therefrom without Notice to and not in the Presence of the proper Officer, and he shall over and above all other Penalties forfeit the Sum of Twenty Pounds; but such last-mentioned Penalty shall not be incurred if the Deficiency be proved to the Satisfaction of the Commissioners to have arisen from unavoidable Accident or Loss.

As to the fraudulent Disposal of Malt, Sugar, Molasses, or Treacle from a Distillery.

Distillers prohibited from selling Malt, Sugar, Molasses, &c.

LXI. It shall not be lawful for a Distiller to sell any Malt, Sugar, Molasses, or Treacle, or to send out or deliver any such Article from any Malthouse, Distillery, or other Premises belonging to him; and every Person who shall knowingly buy any Malt, Sugar, Molasses, or Treacle from a Distiller, or who shall take or receive any such Article from a Distillery, shall forfeit the Sum of One hundred Pounds; and if a Distiller shall sell any Malt, Sugar, Molasses, or Treacle, or take or send out or remove any Malt from his Malthouse (except Malt duly removed therefrom to his Distillery or for Exportation under a Permit granted in that Behalf), or take or send out or remove any Malt, Sugar, Molasses, or Treacle from his Distillery, or if a Distiller shall not use all Corn or Grain received at his Malthouse

Malthouse by making the same into Malt, and consume all such Malt in his Distillery, or shall convey away or conceal any Malt or Corn or Grain, or any Sugar, Molasses, and Treacle, he shall forfeit the Sum of Two hundred Pounds; and all Malt, Sugar, Molasses, and Treacle which shall be found in any Distillery or the Premises belonging thereto, otherwise than in the proper Store-room or Mill-room or in the Mash Tun, or, being duly removed to or from any such Places in the Manner directed or allowed by this Act, shall be deemed to be conveyed away and concealed by the Distiller, and shall subject him to the said Penalty in that Behalf; and all Malt, Corn, and Grain, and all Sugar, Molasses, and Treacle, which shall be respectively sold, sent out, delivered or received, or conveyed away, hidden, or concealed contrary to any of the Provisions of this Act, shall be forfeited.

Commissioners may revoke the Licence of a Distiller on a Second Conviction of certain specified Offences.

LXII. And if a Distiller shall be convicted of any of the several Offences specified in the last preceding Clause, and shall afterwards be again convicted either of the like Offence or of any other of the said several Offences specified as aforesaid, it shall be lawful for the Commissioners to revoke and annul the Licence granted to such Distiller, and to refuse to grant to him any further Licence as a Distiller at any Time thereafter, and also to refuse to grant during the Space of One Year any such Licence to any other Person to exercise the like Trade or Business at the same Premises where the Act or Offence which shall be the Ground of such Second Conviction or Judgment as aforesaid was done or committed.

Persons found unlawfully removing Malt, Sugar, &c. from a Distillery, may be arrested, and taken before a Justice, and summarily dealt with.

LXIII. And if any Person shall be found taking or removing Malt, Sugar, Molasses, or Treacle, or Wort or Wash, from any Distillery or the Premises thereto belonging, it shall be lawful for any Officer to arrest and detain such Person, and to convey him before a Justice of the Peace residing near the Place where the Arrest shall be made, who shall hear and determine, as soon after as practicable, the Charge against the Person so arrested, and on his Confession, or on due Proof upon Oath of such Offence, convict the Offender in the Penalty of One hundred Pounds; and the Person so convicted shall forthwith pay the said Penalty into the Hands of the said Officer, for the Order and Direction of the Commissioners, and in default thereof the Justice shall commit the Offender to any Gaol or Prison of the County or Place, there to be kept to Hard Labour for any Period not exceeding Six Calendar Months nor less than Two Calendar Months, unless the Penalty shall be sooner paid.

As

As to the brewing and fermenting of Wort, and the distilling of Wash, Low Wines, and Feints.

Distiller not to brew Wort or use a Still on Sundays.

LXIV. No Malt, Corn, Grain, or other Material shall be mashed, nor any Wort brewed or made, nor any Still used, by a Distiller, Rectifier, or Compounder, at any Time between the Hour of Eleven of the Clock in the Afternoon of any *Saturday* and the Hour of One of the Clock in the Forenoon of the next succeeding *Monday*, on pain of his forfeiting the Sum of Fifty Pounds.

Distiller to brew and distil in alternate Periods only.

LXV. In every Distillery the Periods of brewing or making Wort or Wash and Distilling Spirits shall be always alternate and distinct Periods, and be called respectively the Brewing Period and the Distilling Period; and the Brewing Period shall be deemed to extend from the Commencement of any Process of wetting, brewing, or mashing any Malt, Corn, or Grain, or other Materials, until after every such Process shall have ceased, and all the Wort or Wash in the Distillery shall have been collected into the Fermenting Backs and Wash Charger, and the Declaration of such Collection delivered to the Officer as herein-after mentioned: and the Distilling Period shall be deemed to extend from the Commencement of the Distillation of any Wort or Wash until after all the Wort or Wash and all the Low Wines or Feints in the Distillery or in the Possession of the Distiller shall have been distilled into Spirits, and conveyed into the Spirits Receiver (except such Feints as shall have been produced by the last Re-distillation of the last Charge of the Still), and until the several Furnace Doors or the Steam Pipe of every Still in the Distillery shall have been locked and secured by the proper Officer; and (save and except as herein-after provided, and on the Condition herein-after expressed,) no Wort or Wash, or Low Wines or Feints, shall be distilled, nor any Still be made use of, in a Distillery, until the Expiration of Four Hours after the Termination of the Brewing Period; and (save and except and on Condition as aforesaid) no Malt, Corn, Grain, or other Material shall be wetted, brewed, or mashed, nor any Wort or Wash be made or produced, in a Distillery, during the Distilling Period: Provided always, that immediately after the last Portion of all the Wash in the Possession of the Distiller has been removed into the Wash Charger, he shall be allowed to begin to brew Wort, but on this express Condition only, that all such Wash shall be forthwith distilled and every Still shall be worked off and secured as aforesaid within the respective Times herein limited in that Behalf, that is to say, every Low Wines Still within

within Thirty-two Hours and every other Still within Sixteen Hours after the said last Portion of Wash was removed into the Wash Charger as aforesaid; and if, in any Distillery, Wort or Wash, or Low Wines or Feints, shall be distilled, or any Still be made use of, or Malt, Corn, or Grain, or other Material, shall be wetted, brewed, or mashed, or Wort or Wash shall be made or produced, during any Period hereby prohibited in that Behalf respectively, or contrary to any Condition or Provision herein contained, the Distiller shall forfeit the Sum of Five hundred Pounds.

Distiller to give Six Days Notice of beginning to brew, and of recommencing brewing.

LXVI. Every Distiller shall, before beginning to brew or make Wort, and every Distiller who shall have discontinued making Wort for a longer Period than One Calendar Month shall, before recommencing to brew or make Wort, give Six Days Notice in Writing to the proper Supervisor or Officer, setting forth the Day on which the Distiller intends to begin or to recommence (as the Case may be) brewing or making Wort, and if any Distiller shall begin or, after Discontinuance, shall recommence the brewing or making of Wort, or if any Wort or Wash shall be found in the Distillery or Possession of a Distiller who shall not have given such Notice in manner and in the respective Cases aforesaid, or at any Time before the Day set forth in such Notice, or if there shall be found anywhere in his Possession Wort or Wash which he may not lawfully have in his Possession, in every such Case all such Wort or Wash shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller to give Four Hours Notice of each Brewing of Wort.

LXVII. Every Distiller shall from Time to Time, at least Four Hours before he shall mash or brew for making Wort, deliver to the proper Officer a Notice in Writing setting forth the Day and Hour when such Mashing or Brewing is to be commenced; and if any Mashing or Brewing of any Materials shall be commenced or made in a Distillery without such Notice having been given, the Distiller shall forfeit the Sum of Fifty Pounds.

Yeast to be added only in fermenting Back.

LXVIII. No Distiller shall add Yeast or other Matter capable of causing Fermentation to any Wort or Wash in any Vessel, except the Fermenting Wash Backs, on pain of forfeiting the Sum of Two hundred Pounds for so doing.

Declaration to be given of the Quantity and Gravity of the Wort when collected in

LXIX. All Wort shall be conveyed into and collected in the Fermenting Back within the Space of Eight Hours after the running or conveying of such Wort into such Back shall have commenced; and the Distiller shall without Delay deliver to the proper Officer a Declaration in Writing specifying the Number of the Back in which the Wort is contained, and the Gravity, or if Yeast has been added the original Gravity,

the Fermenting Back.

vity, of such Wort, and also setting forth the Quantity thereof by stating the Number of Dry Inches, that is to say, the Number of Inches between the proper Dipping Place of the Back and the Surface of the Wort therein; and for any Neglect or Omission to comply with the Directions in this Clause contained, or for any untrue Declaration or Statement in this Behalf, the Distiller shall forfeit the Sum of Two hundred Pounds.

Penalty on Increase of Gravity or Quantity of the Wort.

LXX. If after any such Declaration as aforesaid shall have been delivered the Gravity of the Wort shall be found to exceed the Gravity specified in the Declaration, or if the Quantity of the Wort or Wash shall be found to exceed by Five *per Centum* the Quantity of Wort mentioned in the Declaration as the Quantity collected as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds.

Penalty if Wort or Wash be found to exceed in Gravity or Quantity the Gravity or Quantity previously ascertained by the Officer.

LXXI. And if, after any Officer shall have taken an Account of the Gravity or Quantity of the Wort or Wash in any Fermenting Back, any Wort shall be found in such Back, or any Wash in process of Fermentation shall be found therein exceeding in Gravity, or exceeding by Five *per Centum* or more in Quantity the Wort or Wash in such Fermenting Back of which such Account had been previously taken, all such Wort or Wash in such Back shall be considered as new, and not included in any former Charge against the Distiller in whose Possession the same shall be found, and the Distiller shall be charged with Duty in respect of the whole of the Wort or Wash in such Back, as not before charged, and the Wort or Wash of which such Account had been previously taken in such Back shall be deemed to be distilled or decreased, and the Distiller shall be charged for a Quantity of Spirits in respect thereof as for Wort or Wash actually distilled or decreased, and he shall also forfeit the Sum of Two hundred Pounds.

Saccharometer to be used for ascertaining the Gravity of Worts or Wash.

LXXII. And for ascertaining the Gravity of Wort or Wash for the Purposes of this Act such Saccharometer shall be used as shall from Time to Time be prescribed in that Behalf by any Order of the Commissioners; and every Degree of Gravity to be ascertained by any such Saccharometer shall be calculated in the following Manner; that is to say, distilled Water being assumed as Unity at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, every Degree of Gravity shall be correspondent to a Thousandth Part of the Specific Gravity of such Water; and all Wort or Wash shall for the Purposes aforesaid be deemed to be of the Gravity which the said Saccharometer shall on the Application thereof denote or indicate.

LXXIII. Every

Regulations for Distillers making Bub or other Composition for exciting Fermentation.

LXXIII. Every Distiller intending to make the Composition called Bub, or any other Composition for inducing or increasing the Fermentation of Wort or Wash, shall from Time to Time, at least Four Hours previously to the beginning to make such Composition, give Notice in Writing to the Officer surveying his Distillery, specifying the Time when and the particular Vessel in which such Composition is to be made, and the particular Wash Fermenting Back into which the same is to be put, and also specifying the Quantity of such Composition to be put into every such Back, which Quantity shall not exceed the Proportion of Five Gallons for every One hundred Gallons of the Wort or Wash to which the Composition is to be so added; and no Distiller shall have or use any such Composition of greater Gravity than the Gravity of Sixty Degrees; and if any such Composition shall be made in a Distillery contrary to the Directions herein prescribed, or if the Gravity of any such Composition shall be increased at any Time after the Officer shall have taken an Account thereof, or if the whole Quantity of such Composition shall not, as herein directed, be conveyed into the particular Fermenting Wash Back specified in such Notice within Twenty-four Hours after the Time therein specified for making such Composition, the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller may sell Yeast or use it in his Distillery.

LXXIV. It shall be lawful for a Distiller to remove the Yeast from the Wash in any fermenting Wash Back, provided the Quantity of Yeast so removed shall not exceed the Proportion of Two and One Half *per Centum* of the Wash from which it shall be taken; and such Distiller may sell such Yeast, or any Portion thereof, and send out the same from his Distillery, or he may add the same to the Wort or Wash in any other fermenting Wash Back in his Distillery.

Distiller may refill Wash Backs during a brewing Period.

LXXV. Any Distiller may, on giving the Notice hereinafter required, remove during a brewing Period the whole of the Wash, after Fermentation has ceased, from One or more Backs to the Wash Charger, to be secured therein until the Commencement of the distilling Period, and may refill the same Backs with fresh Wort under the Regulations of this Act, and such fresh Wort shall form Part of the same brewing Period.

Before beginning to distil Distiller shall declare that all Wort

LXXVI. When the whole of the Wort or Wash made in a Distillery during any brewing Period shall be collected into the Fermenting Wash Backs and Wash Charger, and before the Commencement of the distilling Period, and before any Still shall be made use of for distilling the same, a Declaration in Writing by or on behalf of the Distiller shall be delivered

and Wash are collected into the Fermenting Wash Backs.

livered to the proper Officer, that the whole of the Wort and Wash in the Distillery is collected into the Fermenting Wash Backs and Wash Charger; and thereupon the Officer, after the Expiration of Four Hours subsequent to the Delivery of such Declaration, but not before, shall open any Still in such Distillery by removing such Fastenings as prevent the same from being used; and if any Still shall be made use of before such Declaration shall have been delivered, or before the Expiration of such Four Hours, or if all the Wort and Wash in the Distillery shall not then be collected as stated in such Declaration, the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller to give Four Hours Notice before removing Wash from the Fermenting Back to the Wash Charger.

LXXVII. Before any Wash shall be conveyed from any Fermenting Wash Back, Four Hours Notice in Writing shall be given to the proper Officer by or on behalf of the Distiller, stating the Number of the Back in which the Wash is contained, and the Day and Hour when the same is to be removed; and the Officer shall attend at the Time specified in such Notice, and after he shall have locked the Charging Cock of the Wash Still he shall remove all such Fastenings as prevent the Conveyance of the Wash from any Back mentioned in such Notice into the Wash Charger, and then, without Delay, all the Wash which shall be contained in such Fermenting Wash Back, or so much thereof as shall fill the Charger if the same shall not be capable of containing the whole of the Wash in One Back, shall be conveyed into the Wash Charger in manner prescribed in this Act; and the Officer, after having affixed and secured the Fastenings which he had so removed, shall be at liberty to take an Account of the true Quantity and Gravity of such Wash; and if any Wash shall be removed before such Notice shall have been given, or shall be removed or conveyed from any other Fermenting Back, or at any other Time or in any other Manner than shall have been mentioned in such Notice, or before the proper Officer shall have removed or secured respectively such Fastenings as before mentioned, and taken account of the true Quantity and Gravity of the Wash in such Charger, the Distiller shall forfeit the Sum of Two hundred Pounds.

The Contents of Wash Charger to be conveyed into the Still or Charger before any other Wash be removed.

LXXVIII. After any Wash shall have been taken Account of in the Wash Charger, no Wash from any Fermenting Back shall be removed until the whole Contents of such Wash Charger shall have been conveyed into the Wash Still, or intermediate Charger or Wash Reservoir; and if any Wash shall be removed contrary hereto the Distiller shall forfeit the Sum of Two hundred Pounds.

LXXIX. It shall be lawful for any Officer to take such Samples

Samples of Wash from the Wash Back or Wash Charger in a Distillery, or from both of such Vessels, as he may think proper; and in order to ascertain and determine the original Gravity of the Wort from which the Wash was made before Fermentation had taken place therein, a definite Quantity by Measure of the Wash shall be distilled, and the Distillate and the Spent Wash respectively shall be made up with distilled Water, each of them to the original Measure of the Wash before Distillation, and the Specific Gravity thereof respectively shall be then ascertained, and the Number of Degrees and Parts of a Degree of Specific Gravity by which such Distillate shall be less than the Specific Gravity of distilled Water shall be deemed to be the Spirit Indication of such Distillate, and the actual Specific Gravity of such Spent Wash added to the Degree of original Gravity set forth in the Table contained in Schedule (A.) annexed to this Act opposite to the Degree of Spirit Indication contained in the same Table shall be deemed to be the original Specific Gravity of such Wash before Fermentation; and for the Purposes aforesaid all the Weighings and Measurings that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, and at that Temperature distilled Water shall be considered as One thousand; and if the original Gravity of such Wort as found and determined in the Manner aforesaid shall exceed by more than Two Degrees the Gravity thereof as declared by the Distiller, he shall forfeit the Sum of Two hundred Pounds, and also the Sum of Sixpence for every Gallon of Wash contained in the Wash Back or Wash Charger from which the Wash so distilled was taken: Provided always, that the Distiller, or any Person acting on his Behalf, may, if he shall so desire, be present at the Distillation of such Wash, and at the Performance of such Process as aforesaid for ascertaining the said original Gravity.

Samples of Wash may be taken and the original Gravity before Fermentation determined as hereinafter directed.

LXXX. It shall be lawful for any Officer to take from any Wash Back or Charger, and convey away from the Distillery, a Sample, not exceeding the Quantity of Twenty Gallons, of the Wash contained therein, and to cause such Sample of Wash to be distilled into Low Wines; and such Officer may gauge or measure or weigh the Quantity and ascertain the Strength of the Low Wines produced by the Distillation of such Wash.

Samples of Wash may also be taken and distilled by the Officer.

LXXXI. And it shall be lawful for any Supervisor or other superior Officer to require that any Low Wines, Feints, or Spirits Receiver in a Distillery shall be emptied and cleaned out, and that any Quantity of Wash shall be conveyed into any

Distiller to clean out Receivers, and assist the Officer

in distilling a Charge of Wash out of any Wash Back required by the Officer.

any Wash Still, and from any Wash Back, as such Officer shall direct, in order that such Wash may be forthwith distilled into Low Wines, or into Feints and Spirits; and all Persons in the Employ of the Distiller shall, on reasonable Notice, give and provide Assistance and Fuel to such Officer, at his Request, in distilling such Wash into Low Wines, or into Feints and Spirits, and in conveying the Low Wines directly into the Low Wines Receiver, and the Feints and Spirits into the Feint and Spirit Receiver respectively, which shall be so cleaned out; and such Low Wines, Feints, and and Spirits respectively shall be kept in the proper Receiver, unmixed with any Matter or Thing whatsoever, until the Officer shall have taken an Account of the Quantity and Strength thereof; and for any Refusal, Neglect, or Omission, on the Part of the Distiller or of any Person in his Employ, to comply with the Directions in this Clause contained, the Distiller shall forfeit the Sum of Two hundred Pounds.

If the Produce of Wash distilled exceed the Proportion of One Gallon and a Quarter of Proof Spirits for every Five Degrees of Attenuation, Distiller subject to Penalty.

LXXXII. In every such Case as in the Two last preceding Clauses is mentioned the Officer shall compute and ascertain the Quantity of Proof Spirits in and equivalent to the Low Wines, Feints, and Spirits, according to the Strength thereof; and if the Quantity of Proof Spirits so computed shall in any of the respective Cases aforesaid exceed the Rate or Proportion of One Gallon and One Quarter of a Gallon of Proof Spirits for One hundred Gallons of Wort or Wash in respect of every Five Degrees of Gravity which the same shall have been attenuated, as taken by the Surveying Officer, that is to say, for every Five Degrees of Difference between the highest Gravity of the Wort from which such Wash was produced, as declared by the Distiller pursuant to this Act, or as appearing on any Account thereof taken by the Officer, or as ascertained and determined in the Manner herein-before directed, and the lowest decreased Gravity of such Wort or Wash as taken by the Officer previous to the Distillation thereof, the Distiller shall forfeit the Sum of Two hundred Pounds, and also the Sum of Sixpence for every Gallon of Wort or Wash contained in the Wash Back from which such Wash so distilled as aforesaid was removed or taken: Provided always, that the Officer shall, if required, pay to the Distiller the Value of every Sample of Wash which he shall take away from the Distillery, or return the Produce thereof, and mix the Low Wines, Feints, and Spirits with the Low Wines or Feints of the Wash Back to which they belong; provided also, that the Distiller, or any Person acting in his Behalf, may be present at the Distillation of any such Wash, if he shall so desire.

LXXXIII. Four

Four Hours Notice to be given for the Removal of Low Wines, Feints, or Spirits from Receivers, and Officer to attend and take account thereof.

LXXXIII. Four Hours at least before any Low Wines or Feints or Spirits shall be removed out of the respective Receivers in a Distillery, a Notice in Writing, specifying the Day and Hour when the same respectively are to be so removed, shall be given to the proper Officer, by or on behalf of the Distiller; and the Officer shall attend at the Time specified in such Notice, and after having taken an Account of the Quantity and Strength of such Low Wines or Feints or Spirits, he shall remove the Fastenings of the Pumps or other Conveyances used for the Removal or Conveyance of Low Wines or Feints or Spirits, as the Case may be, and of the Receivers containing the same, and all the Low Wines or Feints which shall be in such Low Wines or Feints Receiver shall be forthwith removed and conveyed into the Low Wines or Feints Charger or Intermediate Still Charger, and all the Spirits which shall be contained in the Spirit Receiver shall be removed and conveyed into an entered Store Vat or Cask in the Spirit Storehouse of the Distillery; and if any Low Wines or Feints or Spirits respectively shall not be removed and conveyed as aforesaid, or shall be removed from any Receiver without such Notice, or at any other Time than shall have been specified in such Notice, or before the Officer shall have removed the several Fastenings as herein directed, or if before the whole of the Low Wines or Feints or Spirits in any Receiver shall have been removed therefrom as aforesaid, and the Fastenings thereof shall have been again secured by the Officer, any other Low Wines or Feints or Spirits shall be conveyed into such Receiver, the Distiller shall forfeit the Sum of Two hundred Pounds: Provided always, that when any Distiller shall secure his Low Wines and Feints Pumps to the Satisfaction of the Commissioners, he may run Low Wines and Feints together into the same Receiver, and at any Time, without giving such Notice as aforesaid, remove the Low Wines and Feints from the Receivers to the Low Wines and Feints Chargers, and re-distil the same.

Low Wines, Spirits, and Feints produced to be kept separate until account thereof be taken.

LXXXIV. A Distiller may collect in the Low Wines Receiver, or in the Feints and Spirit Receivers, the Low Wines, or the Feints and Spirits respectively produced by the Distillation of the Wash of the same brewing Period contained in all or any of the Fermenting Backs of the Distillery; and such Produce shall be kept unmixed with any other Matter or Thing whatever, and shall also be kept separate and apart from the Produce of the Wash contained in any other Back throughout the whole Course of the Distillation thereof, and until the Spirits produced therefrom shall be removed into the Spirit Store, as herein-after mentioned; and when an Account

Account of the Quantity and Strength of the Low Wines, Feints, and Spirits so collected shall have been taken by the proper Officer, all such Low Wines or Feints shall be removed from the Receiver into the Low Wines or Feints Charger, and all such Spirits into the Spirit Store, before any other Low Wines or Feints or Spirits shall be made from the Distillation of the Wash contained in any other Back, and all the Spirits and Feints produced by the Re-distillation of such Low Wines of which such Account shall have been taken shall in like Manner be collected in the Spirits and Feints Receivers respectively, and kept therein separate and apart and unmixed as aforesaid (save as is herein-after provided) until an Account of the Quantity and Strength of such Spirits and Feints respectively shall have been taken by the proper Officer; and if all such Low Wines, Feints, and Spirits respectively shall not be so collected, and kept and removed separate and apart and unmixed as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds; but it shall be lawful to mix with any Feints collected in the Receiver, or with the Low Wines from which such Feints are produced, any Feints (if any there be) which shall have been produced by and which may remain on hand after the Re-distillation of the last Charge of the Low Wines Still with the Feints produced from the Low Wines of any Wash of the same Period previously distilled; and the Distiller may re-distil any Feints which shall have been collected, and an Account thereof taken as aforesaid, and may repeat the Process of re-distilling the Feints produced by any such Re-distillation as often as he shall think fit so to do; and the Officer may take an Account of the Spirits and Feints respectively produced and collected on every such Re-distillation, and compute and ascertain the Quantity of Proof Spirits in and equivalent to such Spirits and Feints, according to the Strength thereof respectively; and the Distiller shall be charged with Duty for the greatest Quantity of Proof Spirits which shall appear to have been produced, or, under the Provisions of this Act, be deemed to have been produced, from the whole of the Low Wines which shall have been collected and taken an Account of, as before mentioned, whether such greatest Quantity of Proof Spirits shall appear from the first Re-distillation of such Low Wines or from any such subsequent Re-distillation.

Feints may be re-distilled.

Officer may take account of the Spirits and Feints produced on such Re-distillation.

Two Spirit Receivers may be used on certain Conditions.

LXXXV. It shall also be lawful for any Distiller to erect in connexion with either kind of Still described in Section Fourteen of this Act, and in the Manner therein directed, One additional Spirit Receiver, provided the Distiller shall, to the Satisfaction of the Commissioners, apply and affix to each

each Spirit Receiver the Apparatus described in Section Twenty of this Act, and the Distiller may collect in each Receiver alternately the Spirits produced from the Distillation of any Wash or the Re-distillation of any Low Wines or Feints; and when a Distiller shall have run so much Spirit into either Receiver as he shall think fit, he shall give Notice to the Officer, who shall thereupon lock the Charging Cock, and the Spirits shall not be removed until after the Expiration of Two Hours from such Notice, nor unless a Notice for that Purpose has been given, as required by this Act.

As to the charging and Payment of the Duty on Spirits.

Modes of charging Duty:

1st. By Percentage from Wash, according to the Attenuation of the Gravity thereof, One Gallon for every Five Degrees attenuated:

LXXXVI. For and in respect of every One hundred Gallons of Wort or Wash which shall be brewed or made in any Distillery the Officer shall charge the Distiller with Duty for a Quantity of Spirits at the Rate of One Gallon of Proof Spirits for every Five Degrees of Gravity which the Wort or Wash shall be attenuated, that is to say, for every Five Degrees of Difference between the highest Gravity of such Wort or Wash as declared by the Distiller pursuant to this Act, or as appearing on any Account taken thereof by the Officer in the Fermenting Back, or as ascertained and determined by the Mode herein-before prescribed, from any Sample taken from a Fermenting Back or the Wash Charger, and the lowest decreased Gravity of such Wort or Wash as appearing on any Account taken by the Officer previously to the Distillation thereof; and the Officer shall also charge at the same Rate and Proportion of Spirits for any less Quantity of such Wort or Wash, and for any less Decrease of Gravity than Five Degrees.

2d. By the Produce as found in the Low Wines:

LXXXVII. When the Officer shall take an Account of the Quantity and Strength of the Low Wines which shall have been produced from the Distillation of any Wash, he shall compute and ascertain the Quantity of Proof Spirits in and equivalent to such Low Wines, according to the Strength and Quantity thereof, and Duty shall be payable on the Quantity of Proof Spirits so ascertained, after making an Allowance of Five *per Centum* on such Quantity, and the Officer shall charge the Distiller with Duty accordingly.

3d. By the Produce on the Re-distillation of Low Wines into Spirits and Feints:

LXXXVIII. Whenever the Officer shall take an Account of the Quantity and Strength of Spirits and Feints respectively which shall have been produced from the Distillation of any Low Wines, together with any Feints which may have remained from any previous Distillation, he shall compute and ascertain the Quantity of Proof Spirits in and equivalent to

to such Spirits and Feints, according to the Strength thereof respectively, and shall deduct from the Quantity so ascertained a Quantity equivalent to that of the Feints (if any) which may have remained on hand after any previous Distillation, and which may have been included in the Account of Spirits and Feints so taken as aforesaid, and after such Deduction Duty shall be payable on the remaining Quantity of Proof Spirits so computed and ascertained, and the Officer shall charge the Distiller with Duty accordingly.

Distiller to be charged from the highest Gauge of Wash without allowing for Waste or Dregs.

LXXXIX. The Distiller shall in respect of all Wort, Wash, and Bub in his Distillery be charged according to the highest Gauge of Quantity at any Time taken thereof, and according to the highest Amount of Gravity thereof at any Time declared by him, or ascertained by any Officer, without any Allowance for Waste, Bub, Dregs, Yeast, or other Matter whatever; and when any Decrease shall take place in the Quantity of Wort, Wash, and Bub in a Distillery, the Amount of such Decrease shall be deemed to have been distilled, and the Distiller shall be charged accordingly with a Quantity of Spirits in proportion to the Decrease of such Wort, Wash, and Bub.

Sugar, &c. not to be mixed with Low Wines or Spirits to prevent the Strength being ascertained.

XC. No Sugar or Syrup, or any glutinous or saccharine or other Matter or Thing, shall be mixed with or added to any Low Wines, Feints, or Spirits, whereby the Gravity thereof shall be increased, or so as to prevent the Strength thereof from being ascertained by the Hydrometer; and for any Offence contrary hereto the Distiller shall forfeit the Sum of Two hundred Pounds, and all such Low Wines, Feints, Spirits, and Mixtures shall also be forfeited.

Officer from Time to Time to make Returns of the Quantity of Spirits chargeable on the Distiller, who shall pay the Duty accordingly.

XCI. The Officer shall from Time to Time make out and deliver to the Collector, or to such Person as the Commissioners shall appoint to receive the same, a Return of the Quantity of Spirits for which the Distiller shall be chargeable, and of the Duty payable thereon; and such Officer shall make out and deliver any such Return or Account at any Time and for any Period, as the Commissioners may direct; and in every such Return the Officer shall charge the Distiller according to such of the several Modes of charging prescribed by this Act as shall produce the highest Amount of Duty; and such Officer shall, if required in Writing by the Distiller, deliver or leave with him, or at his Distillery, an Account in Writing signed with the Name of the Officer, setting forth the Quantity of Spirits specified in his Return, with the Amount of Duty thereon and the Period comprised in the Return; and the Return of the Officer shall be a Charge on the Distiller, and he shall pay the Duty thereby appearing or which shall

be

be chargeable upon him within such Time and in such Manner as the Commissioners may in that Behalf direct, or in default thereof the Distiller shall forfeit Twenty Pounds, together with a Sum equal to double the Amount of such Duty.

Collectors may distrain for Duties in arrear from Distillers.

XCII. In all Cases where any Duties payable by a Distiller shall remain unpaid after the same shall have become payable, it shall be lawful for the Collector or other Officer in charge of the Collection in which the Distillery shall be situate, by Warrant under his Hand, to empower any Person to take and distrain all Spirits, and all Stills, Coppers, and other Vessels and Utensils, and all Malt, Corn, Grain, and other Materials for distilling belonging to such Distiller or in any Distillery, Store, or Place in the Use or Possession of the Distiller, or of any Person on his Behalf or in trust for him, and also all Spirits deposited in any Warehouse in his Name, and to cause the same to be sold by Public Auction, giving Six Days previous Notice thereof; and if after the Payment of all Duties and Arrears of Duties due from the Distiller, and also the Duties on such of the Spirits as shall have been so warehoused and distrained and sold as aforesaid, together with the Costs and Expenses of such distraining and Sale, there shall be any Surplus of the Produce arising from the Sale, such Surplus shall be forthwith paid or tendered to the Distiller or his lawful Agent or Representative; provided always, that when any Spirits or Malt shall be so distrained it shall be lawful for the Distiller, or his Agent or Representative, at any Time before the Day appointed for the Sale thereof, to remove under proper Permits all or any Part of such Spirits or Malt, upon paying to the Collector or other Officer in charge as aforesaid, towards discharging the said Duties, the real Value of such Spirits or Malt as shall be required to be removed, and proper Permits shall on due Application be given for the same, in like Manner as if no such Distress had been made.

Distiller to make Entry at the End of every distilling Period of the true Quantity of Wash distilled and Spirits made in each brewing and distilling Period.

XCIII. At the End of every distilling Period the Distiller, or One of the Distillers if there shall be more than One in Partnership, or the principal Manager of the Distillery, shall, under his own proper Hand, make a true and particular Entry or Return in Writing to the proper Supervisor of the whole Quantity of each Description of Material used in making the Wort or Wash, and also the whole Quantity of the Wort or Wash which shall have been decreased from the Wash Backs or distilled in the Distillery, and of the whole Quantity of Spirits, computed at the Strength of Proof Spirits, which shall have been distilled or made in the Distillery within the last preceding brewing and distilling Periods, and of the whole Quantity

Quantity of Feints remaining undistilled; and in case of any Refusal, Neglect, or Omission to make such Entry or Return the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period verified by Declaration.

XCIV. And every Distiller or the principal Manager of his Distillery shall also, at the End of every distilling Period, deliver to the proper Officer an Account in Writing of the Number of Bushels of Malt and the true Quantity of Sugar and Molasses (specifying the same and the Quantities thereof respectively) actually used in making the Wort or Wash distilled during that Period; and the Officer shall transmit such Account, together with a Return in Writing signed by him, to the Collector, specifying the Number of Bushels of Malt and the Quantities of Sugar and Molasses respectively so used, and the Quantity of Proof Spirits with which the Distiller shall have been charged in respect of such Wort or Wash: and the Distiller or the principal Manager of his Distillery shall make and subscribe a Declaration to the Truth of such Account in the Form or to the Effect following:

'I *A. B.*, Distiller [*or* principal Manager, *as the Case may be*] 'of the Distillery at do solemnly declare, 'That within the brewing Period commencing on the 'Day of and ending on the Day of ' , both inclusive, there were actually mashed 'and used in the said Distillery, and consumed in the distil- 'ling of Spirits therein, the several Quantities of Malt and of 'Sugar and Molasses respectively herein-after specified, and 'no more; (that is to say,) Bushels of Malt, 'Pounds of Sugar, and Pounds of Molasses [*or as the* '*Case may be*], and all this I declare to the best of my Know- 'ledge and Belief, and according to the best Information in 'my Power to obtain.'

And in default of such Declaration being made, or if any such Declaration shall be untrue, the Distiller shall forfeit the Sum of Two hundred Pounds.

Officer may take Samples of Wort, Wash, Spirits, &c. in any Distillery.

XCV. It shall be lawful for any Officer, whenever and as often as he shall think fit, to take Samples of Wort, Wash, Low Wines, Feints, and Spirits respectively, in any Back, Receiver, Charger, or other Vessel or Utensil in a Distillery, in order that he may ascertain the Gravity or Strength of the same respectively, and from such Part of any such Vessel or Utensil as he shall think proper; and the Gravity or Strength of any such Sample so taken shall be held to be the true Gravity or Strength of the whole Contents of the Vessel or Utensil from which the Sample was so taken; but before a Sample shall be taken all the Liquor contained in any such Vessel

Vessel or Utensil may be stirred up and mixed together by the Distiller, or any Person in his Employ, if he shall think fit so to do.

As to the Removal of Spirits into the Distillery Store or for Consumption; and the Account to be kept of Spirits in Stock.

No Spirits shall be received into a Distiller's Stock but such as are distilled in his Distillery.

XCVI. No Spirits whatever shall be received or conveyed into the Stock or entered Spirit Store of a Distiller other than such Spirits only as shall have been distilled in his Distillery, and as shall be conveyed directly from the Spirit Receiver into such Store in the Manner herein-before prescribed; nor shall any Spirits which have been removed from such Store be again brought into the same from any Place whatever; and if any Spirits shall be received into or be found in the Stock or Store of a Distiller contrary hereto he shall forfeit the Sum of Two hundred Pounds, and the Spirits shall also be forfeited.

All Spirits distilled during a distilling Period to be removed from the Spirit Store within Ten Days after the Termination of such Period.

XCVII. All the Spirits which shall be distilled at a Distillery during One distilling Period shall be removed from the entered Spirit Store, and the Duty thereon paid for Consumption, or shall be conveyed to and deposited in a Warehouse under the Provisions in that Behalf, within Ten Days after the Termination of the distilling Period, and before any Spirits of a succeeding distilling Period are brought into the Store; and if any Spirits of One distilling Period (other than a Quantity not exceeding One hundred and fifty Gallons and in One Ullage Cask) shall remain in any such Store after Ten Days from the Termination of such distilling Period, or if within the said Term of Ten Days any Quantity of the Spirits of One distilling Period (other than such Quantity and in such Cask as aforesaid) shall remain in any such Store after any Spirits of a succeeding distilling Period are brought into the same Store, or into any other such Store at the same Distillery, the Distiller shall forfeit for every Gallon of Spirits of such former Period so remaining in the Store in either of the Cases aforesaid the Sum of Twenty Shillings.

Balance to be struck in the Stock Account, and Allowance made for Deficiency occasioned by natural Waste.

XCVIII. When all the Spirits distilled at a Distillery in any One distilling Period shall have been removed from the Spirit Store as herein-before required, or at the Expiration of Ten Days after the Termination of such distilling Period, a Balance shall be struck by the proper Officer in the Stock Account kept by him for the Distillery, and in the Return to be made by the Officer of the Quantity of Spirits for which the Distiller shall have become chargeable during the preceding distilling Period an Allowance shall be made to the Distiller of

of any Deficiency in Stock occasioned by natural Waste, not exceeding the Proportion of One Gallon and a Half for every One hundred Gallons at Hydrometer Proof of the Spirits removed from the Spirit Receiver to the Spirit Store; and if the Deficiency shall exceed such Proportion, then an Allowance shall be made in respect thereof to the Extent of the Rate and Proportion aforesaid; provided, that if the Deficiency shall exceed the Proportion of Three *per Centum* on the Spirits so removed as aforesaid no Allowance whatever shall be made in respect thereof.

Officer in charge of Spirit Store to attend daily.

XCIX. The Officer in charge of the entered Spirit Store at a Distillery shall when required attend thereat daily (*Sundays* excepted) between the Hours of Five o'Clock in the Morning and Eight o'Clock in the Evening; and all Spirits in the Spirit Store shall be filled into the Casks in the Presence of the Officer in such Manner and under such Regulations as the Commissioners shall in that Behalf direct; and the Officer shall take an Account of the Weight or Measure and Strength of all such Spirits.

Spirits not to be removed from Distillery of other Strength than herein specified, or in less Quantity than Nine Gallons in any Cask, or without Permit.

C. No Spirits shall be sent out of or removed from a Distillery or the Stock of a Distiller at any other Strength than that denominated Hydrometer Proof, or Twenty-five *per Centum*, or Eleven *per Centum* above or Ten *per Centum* or Fifteen *per Centum*, or Twenty *per Centum* below Hydrometer Proof, or within Six Tenths of One *per Centum* over or under the said Strengths respectively, or Forty-three *per Centum* above Hydrometer Proof, or of any higher Degree of Strength; nor shall any Spirits be sent out or removed as aforesaid in any Quantity less than Nine Gallons in any Cask, nor without a lawful Permit expressing the true Quantity and Strength of such Spirits; and if any Spirits shall be sent out of or removed from a Distillery or the Stock of a Distiller in any less Quantity than as aforesaid, or without such Permit as aforesaid, or of any other Strength than the Strength expressed in the Permit, all such Spirits, and every Cask and Vessel containing the same, shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds.

Spirits may be sent out of the Store in Casks either full or on Ullage.

CI. Spirits may be sent out from a Spirit Store for Consumption or to be warehoused in Casks either full or on Ullage, but the Commissioners shall have Power to make such Orders for regulating the Ullage as may appear to them to be necessary.

Permit not to be granted for the

CII. No Permit shall be granted for the Removal of Spirits from the Stock of a Distiller, (except for such Spirits as shall be sent or delivered into Warehouse pursuant to the Provisions of this Act,) unless he shall produce to the Officer from whom the

the Permit is requested the Receipt of the Collector for the Duty on the Spirits to be removed, nor unless the Distiller shall suffer the Officer to endorse on such Receipt the Quantity of Spirits for which a Permit is required, and the Date of such Permit; and the Officer shall make such Endorsement accordingly.

Removal of Spirits out of Distillery, except to Warehouse, until Collector's Receipt for the Duty be produced.

CIII. The proper Officer shall take and keep an Account by way of Debtor and Creditor of the Stock of Spirits in the Distillery and Store of every Distiller, and shall in such Account debit the Stock, with the full Quantity of Spirits, computed at Hydrometer Proof, which shall be from Time to Time duly conveyed into the same from the Spirit Receiver in the Distillery, and shall credit the Stock, with the full Quantity so computed, which shall be from Time to Time sent out under legal Permit; and if at any Time the Quantity of Spirits which shall be found in the Stock or Possession of a Distiller shall be greater than the Quantity which, according to the said Stock Account, ought to be in his Stock or Possession, the Excess Quantity shall be forfeited, and the Distiller shall also forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and if at any Time the Quantity of Spirits in the Stock or Possession of a Distiller shall be less than the Quantity which, according to the said Stock Account, ought to be in his Stock or Possession, the Distiller, whenever the Deficiency shall appear, shall forfeit the Sum of Twenty Shillings for every Gallon which shall be so deficient; which said respective Penalties of Twenty Shillings for every Gallon of Spirits in Excess or Deficiency in the Quantity which ought to be in the Stock or Possession of the Distiller shall not be mitigated or reduced to any less Sum by the Court before which the Complaint or Information for Recovery thereof shall be heard and determined; but the Distiller shall not be liable to such Penalty in any Case where the Excess shall not exceed One Half *per Centum* or the Deficiency shall not exceed Three *per Centum* on the Quantity of Spirits formed by the Balance left on the last Stocking and the Quantity since duly brought into Stock from the Spirit Receiver, nor in any Case where he shall prove to the Satisfaction of the Commissioners that the Decrease did not result from any Fraud practised or intended; but in any Case of Excess, where no Penalty shall be incurred and prosecuted for, the Duty on such Excess shall be charged against the Distiller.

Distiller's Stock Account of Proof Spirits to be kept by the Officer.

Warehousing

Warehousing of Spirits Duty-free, and Regulations relating to Spirits in Warehouse.

Distillers may warehouse Spirits without Payment of Duty in Warehouses provided and entered by them and approved by the Commissioners.

CIV. A Distiller may, under such Regulations as the Commissioners shall from Time to Time make in that Behalf, deposit in a Warehouse approved of by them Spirits distilled in his Distillery, without Payment of the Duty thereon, to be delivered out for Home Consumption on Payment of such Duty, or for Exportation, or for Use as Ship's Stores, or for Methylation, such Warehouse to be provided and duly entered by the Distiller, and to be approved of by the Commissioners, if they shall be satisfied with respect to the Situation, Construction, and Security thereof; but no Distiller shall be entitled to have any such Warehouse at any other Place than his own entered Distillery Premises, and no Spirits or other Liquors other than such Spirits as aforesaid, conveyed directly from his Distillery, shall be deposited in such Warehouse.

Regulations as to the Casks and the Quantity to be contained therein, and Strength of warehoused Spirits.

CV. The Spirits deposited in such Warehouse as aforesaid shall be contained in Casks, either full or on Ullage, but not less than Nine Gallons in any Cask; and there shall be marked on each End of every Cask, in Letters or Figures legibly cut, branded, or painted with Oil Colour thereon, the Mark and Number of every such Cask, and the full Content thereof, in the Manner required by the Thirty-fifth Clause of this Act, and the Number of Gallons contained therein; and Spirits may also be warehoused in Vats under such Regulations as the Commissioners may make in that Behalf; but no Spirits shall be warehoused of any Strength other than the respective Strengths specified in Section One hundred of this Act.

Spirits in a Distiller's Warehouse may be transferred to a Purchaser.

CVI. Upon giving Security by Bond, with Sureties to the Satisfaction of the Commissioners, in like Manner and to the like Effect as the Keeper of such general Warehouse as herein-after mentioned is by Clause One hundred and eight of this Act required to give, a Distiller may transfer to a Purchaser Spirits deposited in any Warehouse of such Distiller for which such Security is given, on the Terms and Conditions and with the Effect specified in Clause One hundred and twenty-two of this Act; but no further Transfer shall be made of such Spirits whilst the same remain in such Warehouse.

Penalty for Frauds in relation to Spirits in Warehouse.

CVII. If a Distiller, or any Person by his Order or Connivance, after any Spirits shall be secured in any Warehouse, shall open any of the Locks or Doors in the Absence of the proper Supervisor or Officer, or shall make or obtain any Way or Access into such Warehouse, or shall remove any Part whatever of the Partition between any Warehouse for keeping Spirits

Spirits and any other Place whatsoever thereunto adjoining, or shall, after such Warehouse shall have been so approved of as aforesaid, make an Addition to or in any way alter the same, without Notice first given to the proper Supervisor of such intended Addition or Alteration, and the Consent of the Commissioners in Writing first had and obtained for the same, or shall deposit or remove Spirits in or from any such Warehouse otherwise than as provided by this Act, or shall by any Contrivance or Device whatsoever privately remove, convey away, or conceal any of the Spirits, either before the same are put into the Warehouse or afterwards, such Distiller shall forfeit the Sum of Five hundred Pounds, and all Spirits and other Liquors deposited, removed, or concealed contrary to the Provisions of this Act shall be forfeited.

Commissioners may appoint general Warehouses under Bond in which Distiller may warehouse British Spirits.

CVIII. The Commissioners may appoint general Warehouses for the Deposit therein of *British* Spirits, warehoused without Payment of Duty, under such Security by Bond from the Proprietor or Tenant of any such Warehouse, in such Penal Sum, and subject to such Condition, and with One or more sufficient Sureties, as the Commissioners may require, and under such other Rules and Regulations as they may make in that respect; and any Distiller may warehouse in such general Warehouse, without Payment of Duty, Spirits distilled by him, and removed either directly from his Distillery or from any other Warehouse, to be deposited by him and entered in his Name in a Book to be kept by the proper Officer in charge of such Warehouse, in such Manner and Form as the Commissioners may direct: Provided always, that the Proprietor of such Warehouse shall alone be answerable to the Distiller or Owner of any Spirits deposited therein for the safe Custody thereof, and no Action or Suit shall be brought or maintained against the Commissioners or any of their Officers on account of any Loss or Damage which may happen to such Spirits whilst they are deposited in any such Warehouse, or on account of any wrong or improper Delivery of the same therefrom.

Distillers and Proprietors of Warehouses to provide Accommodation for Officers.

CIX. Every Distiller and every Proprietor of any such Warehouse as aforesaid shall respectively, when and as they shall be required by the Commissioners so to do, provide Accommodation at the Distillery Store and at any such Warehouse for the Officer in charge thereof respectively, to the Satisfaction of the Commissioners, on pain of forfeiting the Sum of Fifty Pounds for every Refusal or Neglect so to do.

Commissioners may re-

CX. The Commissioners may revoke the Approval at any Time heretofore given, or which may at any Time hereafter be given, of any Warehouse for the warehousing of *British* Spirits;

voke their Approval of Warehouses.

Spirits; and upon such Revocation all Spirits deposited in such Warehouse shall be removed therefrom forthwith, or as the Commissioners shall direct, and no other Spirits shall be warehoused therein under the Provisions of this Act, and no Abatement of Duty or Allowance shall be made in respect of the Spirits which may be contained in such Warehouse at the Time of the Revocation for any Deficiency of the Quantity or Strength thereof, which shall be occasioned or which shall occur after Notice of the Revocation shall have been given to the Proprietor of the Warehouse.

Spirits may be deposited in Warehouses provided by the Commissioners.

CXI. And under and subject to the Provisions of this Act, and such Regulations of the Commissioners as aforesaid, Distillers may also deposit Spirits without Payment of Duty in any general Warehouse provided by the Commissioners for that Purpose; and upon all Spirits deposited in such last-mentioned Warehouse there shall be chargeable Warehouse Rent at a Rate, to be fixed by the Commissioners, not exceeding One Penny *per* Week for every Forty Gallons of such Spirits, and so in proportion for any greater or less Quantity; and such Rent shall be paid to the Collector for the Use of Her Majesty, and shall be a Lien on all the Spirits of the Distiller deposited in such Warehouse.

The Removal of Spirits to Warehouse to be under the Regulations of the Commissioners.

CXII. Provided always, That the Removal of Spirits from a Distillery to any Warehouse under the Provisions of this Act shall be made under and subject to such Regulations and Security as the Commissioners shall make and require respectively in that Behalf.

Action not to be maintained on account of Spirits destroyed in Warehouse by Fire, &c.

CXIII. If Spirits warehoused in any such Warehouse as last mentioned shall be destroyed by Fire, or the falling of such Warehouse or any Part thereof, no Claim or Demand, Action or Suit, shall be made or brought against Her Majesty, or against the Commissioners, or any Officer or Person employed by them, for any Compensation or Damages by reason of such Spirits having been so destroyed, and no Duty shall be paid for any Spirits so destroyed.

Distiller to give Notice of his Intention to warehouse Spirits. None to be removed into Ware-

CXIV. A Distiller intending to warehouse Spirits shall give to the Officer surveying his Distillery, and also to the proper Officer surveying the Warehouse, Twenty-four Hours Notice in Writing of such Intention, and also of the Day and Hour of the Day on which he intends to commence the Removal of such Spirits out of his Stock to the Warehouse; and he shall specify in such Notice, or in a further Notice to be given to the said Officers respectively, One Hour at the least before the Removal of the Spirits, the Mark, Number, and full Content in Gallons of each Cask which he intends to warehouse, and the Number of Gallons and Strength of Spirits

Spirits contained therein; and no Removal of Spirits shall be allowed without a Permit being first granted to accompany the same, nor shall any Removal take place except upon the Day mentioned in such Notice, nor be commenced at any Time of the Day before the Hour of Eight in the Forenoon, or continued after the Hour of Three in the Afternoon. House without a Permit.

CXV. The Officer to whom such Notice shall be given shall attend according thereto, and shall ascertain, in the Manner directed by the Commissioners, the Quantity and Strength of the Spirits in each Cask proposed to be removed, and shall compare the Marks and Numbers and the several Particulars on the Casks with the Marks, Numbers, and Particulars described in the Notice for the warehousing of such Spirits, and he shall continue in the Place where the Stock is kept until the whole of the Spirits, for the Removal of which Notice shall have been given, shall be removed. Officer to attend Removal of Spirits.

CXVI. Immediately on the Arrival of Spirits at the Warehouse, the proper Officer thereat shall take an Account of the Contents of every Cask in such Manner as may be ordered by the Commissioners, and of the Strength of the Spirits contained therein, and shall enter an Account thereof with the Mark and Number of each Cask, in a Book to be by him kept for that Purpose; and after taking such Account as aforesaid he shall deliver to the Distiller a Certificate of the warehousing of the Spirits, in such Form and containing such Particulars as the Commissioners may direct; and such Certificate shall be forthwith delivered over by the Distiller to the Officer surveying his Distillery, who shall thereupon deduct from the Number of Gallons of Proof Spirits for which the Distiller shall then be chargeable with Duty for the next ensuing Payment the Number of Gallons computed at Proof so warehoused, and return the Charge of Duty against the Distiller to the Commissioners, or the Collector, for the remaining Number of Gallons, which Return shall be a Charge against the Distiller accordingly; and the Officer shall annex to such Return the said Certificate as his Voucher for having made the Deduction. Officer at the Warehouse to take account of and give Receipts for Spirits warehoused. Such Receipt to be delivered by Distiller to the Officer, who is to give Credit for the same in the Charge against Distiller.

CXVII. Upon the Outside of both of the Heads or Ends of every Cask of Spirits which shall be warehoused by a Distiller under the Provisions of this Act there shall be legibly cut, branded, or painted with Oil Colour the progressive Number of such Cask, according to the Number of Casks warehoused by the Distiller, and the Year when the same was warehoused, such progressive Numbers for every Distiller to begin with Number One on the First Day of *January* in each Year, and no Two or more Casks warehoused in the same Year by the same Warehoused Casks to be numbered progressively.

same Distiller shall be marked with the same Number; and the Officer in charge of the Warehouse shall refuse to receive therein any Cask of Spirits not having cut, branded, or painted thereon all the several Particulars aforesaid and in the Manner required by this Act.

Stowage of Casks in Warehouse to afford easy Access.

CXVIII. All Casks of Spirits which shall be warehoused as aforesaid shall be arranged and stowed in the Warehouse in such Manner as that Access may easily be had to every Cask therein; and if any Distiller, or the Proprietor or Occupier of any Warehouse, shall refuse or omit to cause all the Casks therein to be so arranged and stowed, he shall forfeit the Sum of Five Pounds.

Spirits in Warehouse may be vatted, blended, or racked.

CXIX. Spirits deposited in a Warehouse without Payment of Duty may be vatted, blended, or racked in such Warehouse by the Distiller or Proprietor of such Spirits either upon Payment of the Duty thereon or otherwise, under such Regulations as the Commissioners may direct; but Duty shall be paid on any Deficiency exceeding the Rate allowed by this Act as ascertained at the Time of vatting, blending, or racking, and also upon any Deficiency exceeding the Rate of One Half *per Centum* which shall occur during any such Operation; but after the Duty shall have been paid on any Spirits, and a Portion thereof shall have been racked or drawn off from the Cask, no further Abatement or Allowance for Deficiency shall be made in respect of such Spirits for any further Period the same may remain in Warehouse.

Casks containing racked or blended Spirits to be marked.

CXX. In addition to all other Particulars required by this Act to be painted or marked on Casks containing Spirits there shall be legibly and distinctly painted or marked upon each Head of every Cask containing racked or blended Spirits the Words "Racked" or "Blended," or such other Mark as the Commissioners may direct, and the same shall continue to be so painted or marked while the same shall remain in Warehouse on pain of the Proprietor of such Spirits forfeiting the Sum of Fifty Pounds for any Neglect or Omission in this Behalf.

Proprietor may view and show his Spirits in Warehouse.

CXXI. The Proprietor of Spirits lodged in any Warehouse shall be allowed, in the Presence of the proper Officer, to view and examine such Spirits and show the same for Sale, and to examine the State of the Casks, and to prevent Leakage or Drainage therefrom; and the Officer shall, when requested, attend at all reasonable Times for that Purpose, but not oftener than once in Twenty-four Hours.

Spirits deposited in a general Ware-

CXXII. A Distiller or Dealer may transfer Spirits deposited in his Name in a general Warehouse to a Purchaser, upon giving Notice in Writing of his Intention so to do to the Collector

Collector in whose Collection the Warehouse is situated; and upon such Notice being given, and no Objection made by the Collector, the Transfer may be completed; and upon an Order to transfer being endorsed on such Notice by the Distiller or Dealer, and delivered to the Officer in charge of the Warehouse, he shall forthwith transfer the Spirits so sold from the Name of the Proprietor to the Name of the Purchaser in the Book kept by such Officer; and all such Spirits shall after such Transfer be discharged from all Claim in respect of any Duties, Penalties, or Forfeitures to which the Distiller or Dealer from whom such Transfer has been made may be liable; but no Spirits shall be delivered out of Warehouse for Home Consumption until Payment shall be made of the full Duties of Excise chargeable thereon.

House may be transferred, on Notice from the Distiller or Dealer, and entered and kept in the Name of the Purchaser.

Spirits not to be delivered out till Duty paid.

As to the Delivery of Spirits out of Warehouse for Consumption, or Exportation, or Ship's Stores, or for Methylation, or to be re-warehoused.

No Spirits to be delivered out of Warehouse for Consumption without Payment of Duty.

CXXIII. Before any Spirits shall be delivered out of Warehouse for Consumption the full Duty of Excise chargeable thereon shall be paid to the Collector previously to the Removal thereof from the Warehouse, and the Collector shall give a Certificate of the Payment of such Duty; and upon the Production to the Officer surveying the Warehouse of such Certificate, and a Permit having been obtained, the Officer shall allow the Spirits mentioned in such Certificate and Permit to be so removed; and all such Spirits shall be conveyed to the Place of Destination mentioned in the Permit, and be delivered there in the same Casks in which they were sent out of Warehouse.

On Production of Collector's Certificate of Payment, Warehouse keeper to allow the Spirits to be removed.

CXXIV. Spirits deposited in any such Warehouse as aforesaid may be delivered thereout for Exportation without Payment of Duty; and when the Distiller or Proprietor of such Spirits shall be desirous of shipping the same for Exportation, he shall deliver to the Officer surveying the Warehouse, Twenty-four Hours at least before the Time when he intends to ship the Spirits, a Notice in Writing specifying the Number of Casks and the Quantity of Spirits intended to be shipped, and specifying also the Time when and the Port or Place at which the Distiller or Proprietor purposes to ship the Spirits, and the Name or Description and Destination of the Ship in which the Spirits are intended to be exported; and the Officer surveying the Warehouse may mark every Cask of such Spirits before the Delivery thereof for Exportation with such Mark as the Commissioners shall direct.

Spirits may be delivered out of Warehouse for Exportation without Payment of Duty.

Notice of intended shipping to be given.

CXXV. Before

Bond to be given by Distiller or Proprietor of Spirits on Exportation.

CXXV. Before any Spirits shall be delivered out of Warehouse for Exportation, the Distiller or Proprietor intending to export the same shall, with One or more Sureties to the Satisfaction of the proper Collector, give Bond to Her Majesty in such Sum as the Commissioners shall think fit; and such Bond shall be conditioned that the Spirits specified in the Notice shall be conveyed to the Quay where the Ship shall be lying, be put on board such Ship, and shall (the Danger of the Seas or Enemies excepted) be exported to and landed at the Port specified therein, without any Alteration in Quality or Quantity (except such as may be occasioned by sudden and unavoidable Accident), and shall not be landed at any other Place, nor relanded in the United Kingdom; and the Collector or other proper Officer shall sign and give to the Distiller or Proprietor a Certificate of such Bond having been entered into; and upon Production of such Certificate to the Officer surveying the Warehouse, he shall allow the Spirits to be removed, and grant a proper Permit for the same, and the Spirits shall be sent to the Quay where the Ship shall be lying, and be delivered, together with the Permit, into the Custody of the proper Officer of Customs there, in whose Care and Custody the Spirits shall remain until the same shall be shipped, and thereupon he shall certify on the Back of the Permit the Date of the shipping, the Name of the Ship, and the Quantity of Spirits at Proof actually shipped, and shall transmit such Permit to the Collector of the Excise Collection from which the Spirits were sent for Exportation.

On Production of Collector's Certificate, Spirits to be delivered with a Permit.

Commissioners may allow a Distiller to give a general Bond for the due Exportation of Spirits.

CXXVI. Provided always, That the Commissioners may, if they think fit, take from any Distiller or Proprietor of Spirits willing to give the same a general Bond for the due Exportation of all Spirits delivered to him out of Warehouse for that Purpose; and such general Bond shall be taken with such Sureties, in such Amount, and under such Conditions as the Commissioners may direct or approve; and where a general Bond shall be so given the Commissioners, whilst they continue to be satisfied with the Security, may, as regards the Exportation of Spirits by such Distiller or Proprietor, dispense with the particular Bond herein-before directed to be given in that Behalf.

Warehoused Spirits may be shipped as Stores or used for Methylation

CXXVII. Spirits deposited in any such Warehouse as aforesaid may also be delivered thereout without Payment of Duty, in Casks containing not less than Nine Gallons in each Cask, for the Purpose of being shipped as Stores, and of being consumed upon any Outward and Homeward Voyage to or from Parts beyond the Seas; subject, nevertheless, to the Conditions, Regulations, Restrictions, and Securities required by

by any Act in force relating to the shipping of Rum as Stores; and Spirits so deposited as aforesaid may be delivered for Methylation without Payment of Duty, under such Security and Regulations as the Commissioners may require and direct. without Payment of Duty.

CXXVIII. No Removal of Spirits from any such General Warehouse as aforesaid shall take place or commence before the Hour of Eight in the Morning, or continue after the Hour of Four in the Afternoon; and no such Removal from any Distiller's Warehouse shall commence before the Hour of Six in the Morning, or continue after the Hour of Six in the Afternoon. Days and Hours of Removal from Warehouse.

CXXIX. If the Quantity, computed at Proof, of the Spirits in any Cask lodged in a Warehouse, shall, from any Cause, fall short of the Quantity so computed which was warehoused in such Cask (after deducting the Deficiency allowed by this Act), the Distiller or Proprietor of such Spirits shall be liable to pay the full Duty for Home Consumption upon such Spirits for the Quantity found to be deficient (after such Deduction as aforesaid), and shall pay the same upon Demand, and before any Spirits belonging to him shall be permitted to be transferred to a Purchaser or taken out of the Warehouse, and all Spirits belonging to such Distiller or Proprietor then remaining in any Warehouse shall be subject to the Duty on the Quantity so deficient, and may be sold for Payment of the same and of other Charges, paying over the Surplus, if any, to the Distiller or Proprietor. Duty to be paid on Deficiency of Spirits in Warehouse.

CXXX. Spirits deposited in any such Warehouse as aforesaid may, at the Desire and Risk of the Distiller or Proprietor thereof, be removed, under such Security and Regulations as the Commissioners may from Time to Time direct, from the Warehouse in which the same are deposited to any other such Warehouse (except a Distiller's Warehouse) in any Part of the United Kingdom, and be there warehoused in the Name of the Distiller or Proprietor. Warehoused Spirits may be removed from one Warehouse to another.

CXXXI. If after any Spirits duly removed from any Warehouse to be deposited in another Warehouse, without Payment of Duty, on Arrival at and before the same have been actually deposited in such last-mentioned Warehouse, the Distiller or Proprietor shall make an Entry of such Spirits, or of some Portion thereof not being less than a whole Cask, for Removal for Home Consumption, or to another Warehouse than such last-mentioned Warehouse, or for Exportation, or for the Purpose of being used as Ship's Stores, the Spirits of which such further Entry is made shall be considered as virtually and constructively warehoused in such last-mentioned Warehouse, Distiller or Proprietor of Spirits removed from one Warehouse to another may make fresh Entry of the same before being actually deposited.

Warehouse, although not actually deposited therein, and may be delivered and permitted to be removed for Home Consumption, or to another Warehouse, or for Exportation, or for the Purpose of being used as Ship's Stores, as if the same had been delivered from Warehouse.

Allowances for Deficiencies in Spirits warehoused and on Spirits lost or destroyed.

Allowances for Deficiencies of Spirits in Warehouse.

CXXXII. Upon the Delivery from Warehouse of any *British* Spirits warehoused without Payment of Duty, and which have not been racked or blended, the proper Officer shall allow and deduct from the Quantity computed at Hydrometer Proof as originally warehoused, as an Allowance for any Deficiency which may have arisen from natural Waste, the following Rates for every One hundred Gallons of such Spirits; that is to say,

Where the same shall have been in Warehouse:

For a Period of Three Days and less than Seven Days, One Quarter of a Gallon:

Seven Days and less than Fourteen Days, One half of a Gallon:

Fourteen Days and less than Twenty-one Days, Three Fourths of a Gallon:

Twenty-one Days and up to One Calander Month, One Gallon:

And where such Spirits shall have been in Warehouse for a Period exceeding One Calendar Month, then the Officer shall allow and deduct the actual Deficiency therein to an Extent not exceeding the following Rates, and the aforesaid Rate of Allowance for One Calendar Month; that is to say,

For every Calendar Month and any fractional Part of a Month after the First Month and up to Seven Months, One Half of a Gallon:

And for every Calendar Month and any fractional Part of a Month above Seven Months and up to Three Years, One Quarter of a Gallon:

And for every Calendar Month and any fractional Part of a Month above Three Years and up to Six Years, One Eighth Part of a Gallon:

And for every Period of Two Calendar Months after Six Years and up to Ten Years, One Eighth Part of a Gallon:

And no Allowance shall be made for any Deficiency which may arise in such Spirits after the same shall have been Ten Years in Warehouse.

CXXXIII. When

CXXXIII. When racked or blended Spirits shall be delivered from Warehouse it shall be lawful for the proper Officer to allow and deduct from the Quantity of such Spirits, as ascertained immediately after the racking or blending thereof, any actual Deficiency not greater than after the Rate of One Quarter *per Centum* for every Calendar Month the Spirits shall remain in Warehouse after being racked and blended up to Two Years, and after Two Years not exceeding the additional Rate of One Eighth Part of a Gallon *per Centum* for every Calendar Month up to Five Years; and no Allowance shall be made for any Deficiency which may arise in such last-mentioned Spirits after the same shall have been Five Years in Warehouse. Deficiencies to be allowed on Delivery of racked or blended Spirits from Warehouse.

CXXXIV. Any Spirits which shall be removed from one Excise Warehouse to another shall, for the Purpose of any such Allowances as aforesaid, be deemed to have been in Warehouse during the Period occupied by the Removal. Spirits to be deemed in Warehouse during their Removal.

CXXXV. For the Purpose of ascertaining the Quantity of Spirits contained in a Cask by weighing the same, the Table in Schedule (B.) annexed to this Act shall be referred to and used in connexion with *Sykes's* Hydrometer; and Spirits which shall indicate on such Hydrometer a Number in Column (A.) of such Table shall be deemed to be of the Weight *per* Gallon, in Pounds and Decimal Parts of a Pound, denoted by the Number in Column (B.) of the same Table set opposite to the said Number in Column (A.); and the total net Weight of the Spirits contained in the Cask, divided by the said Number in Column (B.), shall be deemed to give the true Quantity of Spirits contained in such Cask, in Gallons and Decimal Parts of a Gallon. Table in Schedule (B.) annexed to be used in ascertaining the Quantity of Spirits in a Cask by weighing the same.

CXXXVI. If Spirits be lost or destroyed by Fire, or other unavoidable Accident, while the same are deposited in the Spirit Store of a Distillery, or in any such Warehouse as aforesaid, or whilst being received into or delivered out from such Store or Warehouse, or whilst being removed under Bond on Shipboard, or in the shipping or landing of the same, or if Spirits or Wash in any Distillery shall be lost or destroyed in manner aforesaid, the Commissioners, on Proof of such Loss or Destruction to their Satisfaction, shall remit the Duty payable or paid in respect of the Spirits or Wash so lost or destroyed. Duty on Spirits or Wash, &c. lost or destroyed by Fire or other Accident to be remitted.

As to warehousing Spirits in Customs Warehouses for Exportation or Ship's Stores.

CXXXVII. A Distiller may warehouse for Exportation, or for Ship's Stores only, Spirits distilled by him, without Payment Distiller may Warehouse

Spirits for Exportation or for Ship's Stores in Customs Warehouses.

ment of the Duty of Excise thereon, in any Warehouse approved of by the Commissioners of Customs for that Purpose, according to the Regulations in force for the warehousing of Goods in such Warehouse, and under and subject to the same Rules, and Abatement on account of Deficiency in the Quantity or Strength of such Spirits, as are made in the Case of any other Spirits whilst in a Customs Warehouse; and the proper Officer of Customs at such Warehouse shall give to the Distiller a Receipt for such Spirits, upon the same being duly removed by Permit from the Distillery to the Warehouse and deposited therein, specifying the Numbers of the different Casks, with their Gauge, and the Quantity and Strength of the Spirits contained in them, the Day of the Month and Year when the Spirits were so warehoused, and any Mark which may have been put on the Casks by the Distiller for distinguishing the Spirits as his Property; and such Receipt shall be delivered over, within a reasonable Time, by the Distiller to the Officer in charge of his Distillery, who shall give to the Distiller a Copy thereof signed by the Officer; and upon the Delivery of such Receipt, and not before, such Officer shall deduct from the Number of Gallons of Spirits with which the Distiller is then chargeable the Number of Gallons so warehoused, and return the Charge of Duty against the Distiller to the Collector upon the remaining Number of Gallons, which Return shall be a Charge against the Distiller accordingly; and the Officer shall annex to such Return the said Receipt as his Voucher for having made the Deduction; and if any Distiller or other Person shall produce a Receipt for Spirits deposited as aforesaid which shall be untrue in any of the Particulars therein mentioned he shall forfeit the Sum of Two hundred Pounds.

Spirits in a Distillery Store or deposited in Excise Warehouses may be removed to Customs Warehouses.

CXXXVIII. Spirits in any Store at a Distillery or deposited in any Warehouse approved of by the Commissioners of Inland Revenue, without Payment of the Duty of Excise thereon, may be removed, for Exportation or for Ships Stores, or to any Warehouse approved of by the Commissioners of Customs for that Purpose, under such Regulations and Security as the Commissioners of Inland Revenue and of Customs respectively may from Time to Time appoint, the Duty upon Deficiencies in such Spirits being first paid to the proper Collector on Removal from the Excise Warehouse.

Distiller may add sweetening or colouring Matter to Spirits in

CXXXIX. A Distiller who has deposited Spirits in a Customs Warehouse may, on giving One Day's Notice to the proper Officer of Customs, add to such Spirits any sweetening or colouring Matter, under such Regulations as the Commissioners of Customs may direct, and no Spirits so coloured or sweetened

sweetened shall be removed to any other Warehouse, but shall be exported or shipped as Stores directly from the Warehouse in which they are then deposited. Customs Warehouse.

CXL. Upon the Re-importation into the United Kingdom of any Plain *British* Spirits, and the issuing of a Bill of Store for the same under the Authority and Regulations of the Commissioners of Customs, and on Repayment of the Allowances granted on the Exportation thereof, it shall be lawful for the Distiller or Proprietor of such Spirits to deposit the same in any general Warehouse, under and subject to the Provisions of this Act; and afterwards upon the Delivery from Warehouse of such Spirits it shall be lawful to deduct and allow from the Quantity warehoused any actual Deficiency which may have arisen, to an Extent not exceeding the Allowance to be made under this Act in respect of Blended Spirits. British Spirits re-imported may be deposited in a general Warehouse.

CXLI. A licensed Rectifier may, under such Regulations as the Commissioners may direct, warehouse, for Exportation or for Ship's Stores, in any Warehouse approved for that Purpose by the Commissioners of Customs, Spirits by him rectified or compounded from Spirits on which the Duties of Excise have been charged and paid, although such Spirits may be sweetened, or may be Spirits to which any colouring Matter has been added; and the Strength of such sweetened or coloured Spirits as denoted by *Sykes's* Hydrometer shall be deemed to be the true Strength thereof; and such sweetened or coloured Spirits shall be subject to all the Rules and Regulations relating to the Removal and warehousing of Spirits. Rectified or compounded Spirits may be deposited in Customs Warehouses.

CXLII. All rectified or compounded Spirits to be warehoused in such Customs Warehouse as aforesaid, other than Spirits of Wine, shall be of a Strength not more than Eleven *per Centum* over Proof, and Spirits of Wine shall be of a Strength not less than Forty-three *per Centum* over Proof as denoted by *Sykes's* Hydrometer; and all rectified or compounded Spirits to be so warehoused shall be contained in Casks of not less than Twenty Gallons Content, every Cask marked on each End thereof in Letters or Figures legibly cut, branded, or painted with Oil Colour thereon, with the Mark or Number of such Cask, and with the full Content thereof in Gallons, and with the true Number of Gallons and the true Strength of the Spirits contained therein, every such Cask being full, or on Ullage of One Gallon or Two Gallons, and not otherwise, at the Time of sending the Spirits from the Rectifying House to the Warehouse; and all Spirits when so removed shall be accompanied with a lawful Certificate, otherwise the same shall be forfeited, and the Rectifier or Compounder Strength of rectified or compounded Spirits to be deposited in Customs Warehouses and Regulations as to Casks, Permits, &c.

pounder so removing the same shall forfeit the Sum of Two hundred Pounds, over and above all other Penalties.

Rectified or compounded Spirits to be entered for Warehouse, and Officer of Customs to give Receipt for the same, and transmit a Certificate to the Collector of Excise, who is to pay a Drawback of the Duty on the Spirits.

CXLIII. Before rectified or compounded Spirits shall be received into such Customs Warehouse, a Warehousing Entry for Exportation only shall be passed for the same, specifying the Particulars of the Spirits as set forth in and upon the Certificate accompanying the same, and the Name of the Rectifier and of the Place where the Rectifying House is situated from which the Spirits were sent; and after the Spirits have been duly examined and warehoused by the proper Officer of Customs at such Warehouse, he shall deliver to the Rectifier or Compounder a Receipt, specifying the Marks, Number, and Content in Gallons of the several Casks received into such Warehouse, the Strength of each as denoted by *Sykes's* Hydrometer, and the total Number of Gallons at Proof received with such Certificate; and such Customs Officer shall forthwith despatch to the Collector of Excise of the Collection in which the Rectifying House is situated a Certificate, setting forth the Name of the Rectifier or Compounder and of the Place where the Rectifying House is situated, the Mark, Number, and Content in Gallons of the several Casks, the Strength and Description of the Spirits in each, and the total Number of Gallons at Proof received with such Certificate; and the Collector to whom such Certificate is sent shall, on receiving Three Days Notice of the Time when Payment is required, and upon Production to him of the Receipt before mentioned, pay to the Rectifier or Compounder named in the Certificate, or to any Person authorized on his Behalf, a Drawback of the Duties of Excise chargeable upon the like Quantity of Spirits computed at Proof, together with the Allowances granted by this Act in respect of the said Spirits.

Rectifiers or Compounders warehousing Spirits may, on giving Notice, add sweetening or colouring Matter to the same.

CXLIV. A Rectifier or Compounder warehousing Spirits may, on giving One Day's Notice to the Officer of Customs in charge of the Warehouse, add to the Spirits any sweetening or colouring Matter, or any other Ingredient that he may think proper, subject, nevertheless, to such Regulations and Restrictions as the Commissioners of Customs may make from Time to Time; and no such Spirits, after any Matter or Ingredient has been added as aforesaid, shall be removed to any other Warehouse for Exportation or for Ships Stores, but shall be removed for such Purpose directly from the Warehouse in which the same are then deposited on board the Vessel in which they are to be exported or used as Stores, under the Laws and Regulations of the Customs.

Rectified or com-

CXLV. All rectified or compounded Spirits so warehoused, [illegible] to

to which no sweetening or colouring Matter has been added in Warehouse, may be removed from one warehousing Port to another for Exportation, or for Ships Stores only, subject to the Regulations of this Act, and to the Laws and Regulations of the Customs relating to such Removals of Goods, but no such Spirits shall be admitted to Entry for Home Consumption.

pounded Spirits so warehoused may be sent Coastwise for Exportation, or for Ship's Stores only.

CXLVI. Any *British* Spirits which shall have been deposited in a Customs Warehouse under the Provisions of this Act may be used in such Warehouse for fortifying Wines, or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs.

British Spirits deposited in a Customs Warehouse may be used as Foreign or Colonial.

As to fraudulent Access to Spirits in Warehouse.

CXLVII. If a Distiller, or Proprietor of Spirits warehoused in any Warehouse without Payment of Duty, shall by any Means fraudulently open such Warehouse or gain Access to the Spirits contained therein, he shall forfeit the Sum of Five hundred Pounds; and if after Spirits have been deposited in any Warehouse, and before their actual Removal therefrom for Home Consumption or for Exportation, or for the Purpose of being shipped as Stores, such Spirits shall be altered in Quality, Quantity, or Strength, except from natural Causes, or otherwise than as provided by this Act, or by the Rules and Regulations of the Commissioners in such respect, all such Spirits, and the Casks containing the same, shall be forfeited, and the Person in whose Name the same are deposited shall forfeit, over and above all other Penalties, double the Amount of Duties chargeable on the like Quantity of Spirits computed at Proof.

Penalty on Distiller, &c. fraudulently opening Warehouses, or gaining Access to Spirits.

Denominations of British Spirits and Compounds.

CXLVIII. All Spirits distilled or made in *England, Scotland,* or *Ireland* shall be deemed and called *British* Spirits; and Spirits of the First Extraction drawn or produced by One Distillation of Wash, and conveyed into any Low Wines Receiver, shall be deemed and called Low Wines; and Spirits conveyed into any Feints Receiver shall be deemed and called Feints; and all other Spirits which shall not have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and called Plain *British* Spirits; and all Spirits which shall have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed

Denominations of Spirits of different Distillations, British Compounds, &c.

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a *British* Compound called *British* Brandy; and all Spirits which shall have been re-distilled or mixed with Juniper Berries, Carraway Seeds, Aniseeds, or any other Seeds, Preparation, or Ingredient whatsoever used in the compounding of Spirits, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and called *British* Compounds; and all *British* Spirits of the Strength of Forty-three *per Centum* above Proof as denoted by *Sykes's* Hydrometer, and all Spirits of a greater or higher Degree of Strength, except Spirits in a Distiller's Stock or in a Duty-free Warehouse, shall be deemed and called Spirits of Wine: Provided always, that, in addition to the Denomination of Spirits of different Distillations, the Word "Spirits" shall include and mean all Mixtures, Compounds, Preparations, or Commodities into the Manufacture of which Spirits enter as the Basis or principal Ingredient, in all Cases in which the Duty of Excise shall not have been paid upon the Spirits from or with which such Mixtures, Compounds, Preparations, or Commodities have been manufactured; and if any Question shall arise whether any Spirits removed by any Permit or Certificate are *bonâ fide* such *British* Spirits, Plain *British* Spirits, or *British* Compounds of any particular Sort or Kind, or Spirits of Wine respectively, as are described and specified in the Permit or Certificate accompanying the same, or granted for the Removal thereof, although such Spirits shall appear to have been kept account of in the Officer's Books or Account of Stock from which the Spirits were removed by the same Name or Description as is specified in the Permit or Certificate, the Proof that such Spirits are really and *bonâ fide* of the Sort specified in the Permit or Certificate shall lie upon the Owner or Claimer thereof, who shall prove the same by the Oaths of Two credible Witnesses, being skilful and experienced Persons competent to decide by Examination thereof.

Mixtures manufactured from Spirits which have not paid the Duty of Excise.

Proof of Spirits being such as described in the Permit or Certificate to lie on the Owner.

As to Rectifiers and Compounders of Spirits.

Penalty on Rectifiers and Compounders having in their Possession any Wort, &c., or distilling the same into Low Wines or

CXLIX. If any Rectifier or Compounder keeping or using a Still shall have in his Possession any Wort, Wash, or other fermented Liquor or Materials prepared or fit for the Purpose or capable of being distilled into Low Wines or Spirits, or if any Rectifier or Compounder whatever shall distil or extract any Low Wines or Spirits from Wort, Wash, Wine, or other fermented Liquor or Materials, not being Spirits lawfully received into Stock to be rectified or compounded, or shall have in his Possession any Spirits whatsoever without having received and delivered to the proper Officer a legal Permit or Certificate

Certificate with and for the same, or any Foreign or Colonial Spirits, except for the Purpose of being rectified or compounded, and sold by such Rectifier or Compounder as and for Spirits of Wine or *British* compounded Spirits, such Rectifier or Compounder shall (over and beside all other Penalties and Forfeitures) forfeit the Sum of Five hundred Pounds, or the Sum of Twenty Shillings for every Gallon of such Wort, Wash, Wine, or other fermented Liquor or Materials, or of the Low Wines or Spirits so distilled as aforesaid, or of the Spirits received without being accompanied with a true and legal Permit or Certificate delivered to the proper Officer as aforesaid, or of the Foreign or Colonial Spirits, as the Case may be, at the Election of the Commissioners or of the Person who shall prosecute for such Penalty; and the Licence of every Rectifier or Compounder who shall be a Second Time convicted of any such Offence as aforesaid shall thereupon be deemed void, and such Rectifier or Compounder shall not be capable of receiving any further or renewed Licence as a Rectifier or Compounder for the Period of Three Years from the Date of such Second Conviction.

Spirits, or receiving Spirits without a legal Permit.

CL. No Rectifier or Compounder shall have any Opening, fixed Pipe, or other Conveyance whatever leading to any Still belonging to or used by him, except One charging Pipe to each Still, or shall have any Opening, fixed Pipe, or other Conveyance whatever leading from any Still, except the Discharge Cock belonging to each Still, and the Head of such Still terminating in the Worm; and proper Locks and Fastenings shall be provided for properly and sufficiently locking and securing the Charge and Discharge Cock of every Still used by a Rectifier or Compounder, which Locks and Fastenings shall be locked and secured by the proper Officer, and shall remain always so locked and secured when the Still is at work; and any Rectifier or Compounder who shall have any Opening, fixed Pipe, or other Conveyance (not before excepted) leading to or from such Still, or shall prevent or hinder the Officer from affixing any Lock or Fastening as aforesaid, shall forfeit the Sum of Two hundred Pounds.

Rectifiers or Compounders having fixed Pipes, &c. to their Stills not hereby permitted liable to Penalty.

CLI. The Discharge Cock belonging to every Still of a Rectifier or Compounder shall be so placed in the Body of the Still as that the Officers may have free and convenient Access thereto; and for that Purpose the Discharge Cock shall be continued in a straight Line from the Body of the Still to which it is fixed, and shall not project more than Three Feet therefrom, nor more than Eighteen Inches from the Brickwork or other Materials whereon the Still is erected; and if any Rectifier or Compounder shall have a Still in which the Discharge

Regulations as to the placing of the Discharge Cock in the Body of the Still of a Rectifier or Compounder.

charge Cock shall be placed otherwise than as herein directed, or if he shall in any other respect offend in any of the Matters or Things aforesaid, he shall forfeit the Sum of One hundred Pounds.

Notice to the Officer to unlock Furnace Door of a Still of a Rectifier or Compounder.

CLII. Whenever a Rectifier or Compounder shall be desirous to have the Furnace Door of a Still unlocked, and to have a Fire lighted under the Still, he shall give to the proper Officer a Notice in Writing, Twelve Hours at least before the particular Time when he desires to have the Fire lighted; and if the Rectifier or Compounder shall not have a Fire lighted under such Still at the Time mentioned in such Notice, or within Two Hours next after such Time, the Notice shall be deemed to be null and void, and he shall be obliged to give another like Notice before the Officer shall be bound to open the Furnace Door of such Still.

Directions relative to Officer's Attendance for opening the Furnace Door.

CLIII. The Officer shall attend agreeably to such Notice, or within One Hour after the particular Time therein mentioned, and shall open the Furnace Door of the Still mentioned in such Notice; but he shall not on any Pretence open the Furnace Door of any Still which shall not be fully charged, nor until he has examined the Contents of the Still, and seen the Head thereof actually put on, and ready to be locked down; and the Officer, when attending on Notice at the Stillhouse of a Rectifier or Compounder, shall not be obliged to continue more than One Hour at any One Time; and if the Rectifier or Compounder shall not within that Time have charged the Still mentioned in such Notice, and have put on the Head thereof ready to be locked down, he shall be obliged to give another like Notice before the Officer shall attend again to open the Furnace Door of such Still.

Officer to open Locks and Fastenings for cleaning or repairing Utensils.

CLIV. Provided always, That whenever it shall be found necessary to have any Lock or Fastening opened for the Purpose of cleaning, repairing, or amending any Vessel, Utensil, Cock, Pipe, Pump, or other Article belonging to a Rectifier or Compounder, and required by Law to be locked and secured, the Officer shall, on receiving a written Request for that Purpose, open the same for all the Time the Workmen shall be actually employed in cleaning, repairing, or amending it, but he shall lock and secure every Still Head, Discharge Cock, and Furnace Door belonging to the Still every Night, as soon as the Workmen so employed shall leave off their Work; and the Officer shall attend at Six o'Clock every Morning whilst the Repairs are being done, in order to open the Still Head, Discharge Cock, and Furnace Door.

Rectifiers or Com-

CLV. Every Rectifier or Compounder shall, before beginning to draw off Spirits from any Still, charge the same with

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a Quantity of Liquor in the Proportion of not less than Seven Parts in Ten of the whole Quantity of Liquor which the Still, including the Head, is capable of containing, and the Still shall remain and continue so charged until the Rectifier or Compounder shall begin to draw off Spirits therefrom; and every Still shall be worked off within Sixteen Hours, to be computed from the Time of the Officer's taking the Gauge thereof; and if any Rectifier or Compounder shall begin to draw off Spirits from any Still not so charged, or shall not work off the same within the Time herein limited, he shall forfeit the Sum of One hundred Pounds.

Rectifiers or Compounders to charge their Stills as herein directed, and work them off within the Time herein limited.

CLVI. The Officers, whenever they deem it necessary, after any Still belonging to a Rectifier or Compounder is charged, and before the same has begun to work, shall take Still Gauges of all Liquors of any Kind whatsoever which shall be in such Still, and they shall also be at liberty to take Samples of such Liquors, as well before the Still has begun to work as after it is worked off; and if any Officer shall discover in a Still belonging to a Rectifier or Compounder any Wine or Wash put into or mixed with any Low Wines, Feints, or Spirits, the Rectifier or Compounder shall, over and above all other Penalties, forfeit the Sum of Five hundred Pounds.

Officers may take Still Gauges and Samples of Liquor; and if they discover Wash mixed with Low Wines Rectifier is liable to Penalty.

CLVII. Every Rectifier or Compounder shall take off the Head of any Still (unless the Head is soldered or permanently fixed to the Body of the Still), when and so soon as the Still shall have ceased to be worked, and the Head of the Still shall in no Case, nor on any Account, be put thereon until the Still shall be again charged and ready to work, nor shall any Still be again worked until the Officer shall have examined the Quality of the Spirits therein; and if any Rectifier or Compounder shall neglect to take off the Head from a Still as hereby required, within Twelve Hours after the Still shall have ceased to be worked, or shall put the Head on any Still before such Still shall be charged and ready to work, or shall work any Still before the Officer shall have examined the Quality of the Spirits therein, the Rectifier or Compounder shall forfeit the Sum of One hundred Pounds.

Rectifiers or Compounders to cause the Heads of their Stills to be taken off so soon as the same shall cease to be worked.

CLVIII. Any Officer shall, as often and at such Times as he may think fit, take an Account of the Quantity and Strength of all Spirits in the Stock or Possession of any Rectifier or Compounder, and compute the same at the Strength of Hydrometer Proof; and if, after making Allowance for the Spirits for which Certificates shall have been granted since the last Account taken of the Stock of such Rectifier or Compounder, computing the same at the Strength aforesaid, it shall be found that the Quantity of Spirits remaining in his Stock or Possession

Officers to take account of the Stocks of Rectifiers and Compounders as often as they may think fit, and if any

Excess or Deficiency be found, Forfeiture and Penalty shall be incurred.

Possession shall exceed the Quantity for which he shall appear to be debited or charged in the Books of the proper Officer, whether such Charge or Debit shall have arisen from what was on hand at the last preceding Account taken, or from what may have been lawfully received subsequently thereto, such Excess shall be deemed to be Spirits illegally received, and a Quantity of Spirits equal to such Excess may be seized by any Officer out of any Part of the Stock of such Rectifier or Compounder; and the Rectifier or Compounder in whose Stock or Possession such Excess shall be found shall forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and if there be any Decrease in such Stock not duly accounted for by Spirits sent out with Certificate, and exceeding Five *per Centum* on the Balance or Stock left on hand at the last preceding Account, together with the Quantity since lawfully received, the Rectifier or Compounder shall forfeit the Sum of Twenty Shillings for every Gallon of such Deficiency.

Spirits produced from Stills at work when Stocks are taken to be afterwards added.

CLIX. And if any Still of a Rectifier or Compounder shall happen to be charged and at work at the Time when any Officer shall take account of his Stock, then all the Spirits produced from that Charge of the Still shall be kept separate and apart from the remainder of the Stock till the Account of the Remainder shall have been completely taken, after which the Spirits produced from that Charge shall be added to the Stock.

Rectifier or Compounder receiving Spirits not to break Bulk before the Officer to whom Notice shall be given take an Account of the Strength and Quantity.

CLX. No Rectifier or Compounder receiving Spirits into his Possession shall break Bulk or draw off any Part thereof, or add Water or anything thereto, or in any respect alter the same, or tap or open any Cask so received, or alter or change any Package containing Spirits, or the Spirits therein removed, until the proper Officer shall have taken an Account of the Strength and Quantity thereof; and every Rectifier or Compounder shall on the Receipt of any Spirits give Notice thereof to the proper Officer, and shall deliver to him the Permit received with the Spirits, and thereupon the Officer shall attend and take an Account of the Strength and Quantity of such Spirits; and if any Rectifier or Compounder who shall receive Spirits into his Possession shall fail to give such Notice, and deliver such Permit as aforesaid, or shall break Bulk, or draw off any Part of such Spirits, or add Water or anything thereto, or in any respect alter the same, or tap or open any Cask, or alter or change any Package containing Spirits, or the Spirits therein removed, before the proper Officer shall have taken an Account of the Strength and Quantity thereof, all such Spirits, or a Quantity equal thereto, shall be forfeited, and may be seized out of any Part of the Stock

Stock of such Rectifier or Compounder, and he shall forfeit the Sum of Two hundred Pounds; but if the proper Officer shall neglect to attend, for the Purpose of taking such Account as aforesaid, within One Hour after receiving such Notice, no Forfeiture or Penalty shall be incurred by the Rectifier or Compounder for any such Offence.

Rectifiers or Compounders to mark the Quantity and Strength of mixed or compounded Spirits on the Casks containing the same.

CLXI. Where the Strength of any Part of the Stock of a Rectifier or Compounder, by being mixed or compounded with Sugar, Syrup, Seeds, Fruit, or any other Ingredient or Material, cannot be ascertained by the Hydrometer, he shall immediately, or on being required by any Officer, cause the true Quantity and Degree of Strength of the Spirits so mixed to be legibly marked on the Outside of the Cask or Vessel containing the same; and if the Quantity or Degree of Strength of such Spirits shall be found to have been untruly marked on the Outside of the Cask or Vessel, or if the Rectifier or Compounder shall, upon being required by the Officer, neglect immediately to mark the Quantity and Degree of Strength of such Spirits, or shall not continue such Mark until all the Spirits in such Cask or Vessel shall be removed and taken therefrom, such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and the Rectifier or Compounder shall also forfeit the Sum of Fifty Pounds.

At what Strength and in what Quantities Rectifiers and Compounders may send out compounded Spirits and Spirits of Wine.

CLXII. A Rectifier or Compounder may lawfully sell and send out, accompanied with a lawful Certificate, any Quantity, not being less than Two Gallons, of compounded Spirits, at any Strength not exceeding Twenty-five *per Centum* over Hydrometer Proof, and any Quantity not being less than Two Gallons of Spirits of Wine; and if any Plain *British* Spirits or any Foreign or Colonial Spirits not being Spirits of Wine, or if any other Spirits not being compounded Spirits, or if any compounded Spirits, except by Permit or with a Certificate, and of such Strength as aforesaid, and not being less than Two Gallons at any One Time, shall be sold or sent out by any Rectifier or Compounder contrary hereto, he shall forfeit the Sum of Fifty Pounds, and all such Spirits, with the Casks or other Packages containing the same, and all Horses, Cattle, Carriages, and Boats made use of in removing such Spirits, shall also be forfeited.

Strength of Spirits of Wine to be 43 per Cent. over Proof at the least, and to be

CLXIII. Spirits of Wine shall be made and kept of the Strength of Forty-three *per Centum* over Hydrometer Proof at the least, and the true Strength of Spirits of Wine shall be expressed in the Certificate granted for the Removal thereof, and shall be taken account of by the Officer in the Stock of every Rectifier or Compounder according to the actual Strength thereof;

expressed in the Certificate.

thereof; and if any Spirits of Wine shall be kept or removed of less Strength than as aforesaid, or be mixed with Foreign Wine, or shall be removed without a Certificate expressing the true Strength thereof, such Spirits of Wine shall be forfeited, and the Rectifier or Compounder shall forfeit the Sum of Two hundred Pounds.

As to Dealers and Retailers.

Dealers and Retailers to make Entry of Premises and Utensils.

CLXIV. Every Dealer and Retailer respectively shall make a true and particular Entry in Writing signed by him of every Building, Room, or other Place, and of every Vessel or Utensil, and of all standing or fixed Casks intended to be used by him for the keeping of Spirits, and such Entry shall be made by delivering the same to the proper Officer; and every such Building, Room, Place, Vessel, Utensil, and Cask shall be distinguished by a particular Letter or Number, and shall be described in such Entry by a corresponding Letter or Number.

At what Strength British Spirits may be kept and sent out of Stock by Dealers or Retailers.

CLXV. No Dealer or Retailer shall receive or have in or send out from his Stock or Possession any *British* Spirits (except Spirits of Wine) of any Strength exceeding that at which licensed Distillers and Rectifiers can send out Spirits of the like Denomination from their Stock or Possession, or any Spirits of Wine of less Strength than Forty-three *per Centum* above Hydrometer Proof, on pain of forfeiting the Sum of Fifty Pounds, and all Spirits, and the Casks and Packages containing the same, received, had, or sent out contrary hereto.

Casks used by Dealers and Retailers in Stock or for delivering out Spirits to have the true Content marked thereon.

CLXVI. Upon some conspicuous Part of every standing or fixed Cask used by any Dealer or Retailer for holding Spirits in Stock, and on the Outside of both of the Heads or Ends of every rolling or moveable Cask used by him for keeping or delivering out Spirits, there shall be legibly painted with Oil Colour, or cut or branded, the full and true Number of Gallons which the Cask is capable of containing; and every such Cask which shall be used without having the full and true Number of Gallons which the same is capable of containing so cut, branded, or painted thereon as aforesaid shall, together with the Spirits contained therein, be forfeited, and the Dealer or Retailer shall also forfeit the Sum of Fifty Pounds for every such Cask.

Dealers and Retailers to mark the true

CLXVII. In all Cases where the true Strength of any Part of the Stock of Spirits of a Dealer or Retailer, by being mixed or compounded with Sugar, Syrup, Seeds, Fruit, or any other Ingredient or Material, cannot be ascertained by *Sykes's* Hydrometer,

drometer, the Dealer or Retailer shall, immediately on being required so to do by any Officer, cause the true Quantity and Degree of Strength of such Spirits to be legibly marked on the Outside of every Cask or Vessel containing the same respectively; and if the Quantity and Strength of any Spirits shall be found to be untruly marked as aforesaid, or if any Dealer or Retailer, upon being required by any Officer, shall refuse or neglect immediately to mark the Quantity and Strength of such Spirits as aforesaid, all such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and the Dealer or Retailer shall forfeit the Sum of Fifty Pounds; but the said Penalty and Forfeiture shall not be incurred by reason of the marking on any Cask the Strength expressed in the Permit or Certificate with which the Compounds therein contained were received into Stock, no Alteration having been since made therein.

Strength and Quantity of compounded Spirits on their Casks.

Penalty on Retailer not licensed as a Dealer sending out Spirits to a Rectifier, Dealer, or Retailer, or receiving Spirits from another Retailer, and on Dealer not licensed as a Retailer selling less than Two Gallons of Spirits.

CLXVIII. Every Retailer, not being entered and licensed also as a Dealer, who shall sell, send out, or deliver Spirits to any Rectifier or Compounder, or Dealer or Retailer, or who shall buy or receive Spirits from any other Retailer, not being a licensed Dealer, shall forfeit the Sum of Fifty Pounds; and every Dealer, not being entered and licensed also as a Retailer, who shall sell, send out, or deliver Spirits in a less Quantity than Two Gallons of Spirits of the same Denomination at a Time to the same Person shall also forfeit the like Sum.

Licensed Dealers taking out an additional Licence may retail and send out Foreign Liqueurs in Quantities not exceeding a Gallon without Certificate.

CLXIX. Provided always, That any Person duly licensed as a Dealer in Spirits may take out an additional Licence authorizing him to sell by Retail any Quantity (the same not being less than One reputed Quart Bottle, or in the Bottles in which the same may have been imported,) of Foreign Liqueurs, not to be drunk or consumed upon the Premises; and any licensed Dealer taking out such additional Licence may send out or deliver Foreign Liqueurs without the Certificate herein-after mentioned, if the Quantity does not exceed One Gallon at a Time, and such Liqueurs are not sent to the Stock of any Dealer or Retailer.

As to Certificates and Permits for the Removal of Spirits.

Every Rectifier, Dealer, and Retailer to provide a Book for

CLXX. Every Rectifier, Dealer, and Retailer respectively shall provide himself with a Book prepared according to a Pattern, to be given to him on his Application to the proper Officer, and shall, on the same Day on which he receives any Spirits into his Stock or Possession, and at such Time on that Day as he may be requested to do so by any Officer, and if not

entering therein the Particulars of Spirits received and sent out by him.

not so requested then at latest before the Expiration of that Day, write and enter in such Book, and in the proper Columns respectively prepared for the Purpose, the Date when, and the Christian and Surname of the Person, or the Name of the Firm, from whom and of what Place the Spirits were received, the Number of Gallons, and the Kind or Quality of the Spirits, and the Strength thereof; and every Rectifier, Dealer, and Retailer respectively shall also on the same Day on which he shall send out of his Stock or Possession any Spirits in a Quantity requiring a Certificate as herein-after mentioned, and at such Time on that Day as he may be requested as aforesaid, and if not so requested then at latest before the Expiration of that Day, write and enter in like Manner in the said Book the Day when and the Christian and Surname of the Person, or the Name of the Firm, and of what Place, to whom such Spirits were sent, the Quantity, and the Kind or Quality of such Spirits, and the Strength thereof, and also the Number of Gallons and the Fractions of a Gallon at Proof; and every such Book shall be at all Times kept in some public and open Place of the entered Premises of the Rectifier, Dealer, and Retailer respectively, for the Inspection of the Officers; and any Officer may examine such Book, and take any Extract therefrom; and every such Book, after it has been filled up as aforesaid, shall be preserved by the Rectifier, Dealer, or Retailer for a Period of not less than Twelve Months, and during such Time shall be produced by him to every Officer demanding the same; and if any Rectifier, Dealer, or Retailer shall refuse or neglect to provide such Book, or to make due Entries therein as aforesaid, or shall cancel, alter, obliterate, or destroy any Part of such Book, or any Entry therein, or make any false Entry therein, or hinder or obstruct any Officer from or in examining such Book, or making any Minute therein, or taking any Extract therefrom, or if such Book shall not be preserved or not produced by the Rectifier, Dealer, or Retailer as hereinbefore directed, such Rectifier, Dealer, or Retailer offending herein shall forfeit the Sum of One hundred Pounds.

All Spirits sold by Rectifiers or Dealers, and also (when the Quantity exceeds a Gallon) by Retailers, to be ac-

CLXXI. A Certificate Book, prepared with proper printed Forms for the Purposes herein-after mentioned, shall be delivered by the proper Officer to every Rectifier, Dealer, and Retailer respectively who shall request the same, in Writing, of such Officer; and every Rectifier, Dealer, and Retailer respectively, on Receipt of such Book, shall acknowledge the same in Writing under such Request, or as the Commissioners may direct; and no Spirits whatever shall be sold, sent out, or delivered from the Stock or Possession of a Rectifier or Dealer,

Dealer, nor any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person shall be sold, sent out, or delivered from the Stock or Possession of a Retailer, without a Certificate filled up, and cut out progressively from the printed Forms contained in such Book, and signed by the Rectifier, Dealer, or Retailer, or by some Person on his Behalf, with the Addition to his Signature of his Occupation (whether Rectifier, Dealer, or Retailer), certifying the Person from whom, the Place from whence, and the Day and Hour of the Day when the Spirits are sent out or delivered, the Number of Casks or other Packages in which the same are sent out, the Quantity, and Kind or Quality and Strength thereof, the Christian and Surname of the Person or the Name of the Firm to whom sold, and the Place to which, and the Conveyance by which, the same are to be sent; and every Rectifier, Dealer, and Retailer respectively, before such Certificate is cut from its Counterpart, shall make a corresponding Entry in such Counterpart of the same Particulars as are stated in the Certificate; and such Certificate shall accompany the Spirits on the Removal thereof, and shall be delivered to the Person to whom the Spirits are sold, sent out, or delivered; and every Rectifier, Dealer, and Retailer respectively shall keep the said Certificate Book in some public and open Part of his entered Premises, for the Inspection of the Officers; and when such Certificate Book is completely used by filling up the same as aforesaid, or when demanded by the proper Officer, the Rectifier, Dealer, or Retailer shall return the same to the proper Officer, who shall give a Receipt for the same, and, if requested as aforesaid, shall thereupon deliver to him a new Certificate Book, to be acknowledged and kept by him as aforesaid; and every Rectifier or Dealer who shall sell, send out, or deliver any Spirits without such Certificate as aforesaid, and every Retailer who shall sell or send out any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person, without such Certificate as aforesaid, and every Rectifier, Dealer, and Retailer respectively who shall not make a corresponding Entry in the Counterpart of such Certificate as aforesaid, or who shall not keep or return such Book as aforesaid, or who shall hinder or obstruct any Officer in examining such Book, or making any Minute therein or Extract therefrom, or who shall cancel, alter, obliterate, or destroy any Part of such Book or any Entry therein, or who shall make any false Entry therein, shall forfeit the Sum of One hundred Pounds, and all Spirits sent out or delivered as aforesaid without such Certificate shall

companied by a Certificate.

shall also be forfeited; but the said Penalty or Forfeiture shall not be incurred by reason of the Strength of the Spirits not agreeing with the Certificate accompanying the same, if the Strength thereof is not more than One *per Centum* above or Two *per Centum* below that expressed in the Certificate.

Penalty on Rectifiers, Dealers, and Retailers for improper Use of Certificates.

CLXXII. And if any Rectifier, Dealer, or Retailer shall cut or separate any such Certificate or Form of Certificate from its Counterpart, except on the Occasion of his sending out Spirits from his Stock, and for the Purpose of the Certificate properly filled up accompanying such Spirits, or if any Rectifier, Dealer, or Retailer shall cut or separate any Certificate or Form of Certificate from its Counterpart without first filling up the Certificate or Form with the several Particulars and according to the Directions herein in that Behalf mentioned, he shall forfeit the Sum of One hundred Pounds; and upon the Hearing of any Information for the Recovery of the said Penalty, and upon any Appeal in relation thereto, Proof of the Non-entry by the Rectifier, Dealer, or Retailer, upon the Counterpart of any Certificate or Form cut or separated therefrom, of the Particulars required by Law to be entered upon such Certificate and Counterpart respectively, on the Occasion of his sending out Spirits, shall be sufficient evidence that the Certificate or Form was cut and separated by him from its Counterpart, not upon the Occasion of his sending out Spirits from his Stock, and for the Purpose of such Certificate properly filled up accompanying such Spirits, and the Rectifier, Dealer, or Retailer shall be convicted of such Offence accordingly.

Penalty for fraudulently using a Certificate for any Purpose other than the due Removal of Spirits.

CLXXIII. If any Rectifier, Dealer, or Retailer shall fill up and cut out from any Certificate Book delivered to him any Certificate as for the Removal of Spirits from his own Stock, and use such Certificate, or cause or suffer the same to be used for any other Purpose than to accompany the actual Removal and Delivery of the Spirits therein expressed, or shall deliver or part with, to any Person whatever, any Certificate or Form of Certificate cut out from such Book as aforesaid, although not filled up, or if any Rectifier, Dealer, or Retailer or other Person shall use any Certificate or Form of Certificate, whether filled up or not, so that the Account of Spirits kept or checked by any Officer, or any Examination of Spirits by any Officer, is or may be frustrated or evaded, such Rectifier, Dealer, Retailer, or other Person so offending shall forfeit the Sum of Five hundred Pounds; and every Person having a Licence to rectify, deal in, or retail Spirits shall, upon being convicted of any such Offence as aforesaid, forfeit such Licence, and no new Excise Licence shall be granted to such

such Person so convicted for the Remainder of the current Year of any Licence so forfeited.

Rectifier, Dealer, or Retailer not to receive Spirits without a Permit or Certificate, and the same to be cancelled on Receipt thereof.

CLXXIV. No Rectifier, Dealer, or Retailer shall receive any Spirits not accompanied by a true and lawful Permit or Certificate as the same are respectively required by Law, and every Rectifier, Dealer, and Retailer respectively shall, immediately on receiving a Permit or Certificate, cancel the same by writing in large Letters in Ink across such Permit or Certificate, or in the Space prepared for that Purpose, the Word "Received," and the Day and Hour when received, or shall otherwise permanently cancel such Permit or Certificate by Lines drawn in Ink across the same, so as to prevent it from being again used for the Removal of Spirits; and every Rectifier, Dealer, or Retailer who shall receive any Spirits without the same being accompanied by a true and lawful Permit or Certificate, as by Law required, shall forfeit the Sum of One hundred Pounds; and all such Spirits, or an equal Quantity of Spirits of a like Kind, to be taken out of any Part of his Stock, shall also be forfeited; and every Rectifier, Dealer, or Retailer receiving any Permit or Certificate who shall not cancel the same as aforesaid shall forfeit the Sum of Fifty Pounds.

Permits and Certificates to be preserved and delivered to the Officer.

CLXXV. All Permits and Certificates received with Spirits by a Rectifier, Dealer, or Retailer shall be preserved, after being cancelled as aforesaid, and shall be delivered by him to the Officer who shall first inspect his Premises after the Receipt thereof; and for any Neglect or Default in this respect the Rectifier, Dealer, or Retailer shall forfeit the Sum of Fifty Pounds for every such Permit or Certificate; but the Penalty shall not be incurred if the Permit or Certificate have been lost or destroyed after the Expiry of Three Months from the Date thereof.

Stock of Dealer or Retailer may be taken by an Officer, and any Excess found therein to be forfeited.

CLXXVI. Any Officer may, at any Time, take an Account of the Quantity of all Spirits in the Stock or Possession of a Dealer or Retailer, and if it be found that the Quantity of Spirits remaining in the Stock or Possession of such Dealer or Retailer exceeds the Quantity which ought to be therein, as appears on balancing the Book by this Act directed to be kept by him of Spirits received into and sent out of his Stock or Possession (all Spirits being for that Purpose computed at Proof), the Excess shall be deemed to be Spirits illegally received; and a Quantity of Spirits equal to such Excess shall be forfeited, and may be seized by any Officer out of any Part of the Stock of such Dealer or Retailer, who shall also forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and it shall also be lawful for any Officer to enter into the Premises

Premises of a Dealer or Retailer, and to examine and take Samples of any Spirits in his Stock or Possession, paying for such Samples the usual Price thereof.

Distiller, Rectifier, Dealer, and Retailer to assist Officer in taking Stock.

CLXXVII. Every Distiller, Rectifier, Dealer, and Retailer respectively shall, when required by any Officer, assist him by a sufficient Number of Servants in taking account of his Stock, on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Refusal so to assist.

Distiller may not carry on the Trade of a Dealer at any Place within the Distance of Two Miles from his Distillery unless such Place be approved by the Commissioners.

CLXXVIII. No Distiller shall be licensed to carry on the Trade of a Dealer in Spirits at any Place within the Distance of Two Miles from his Distillery, unless such Place shall first be approved by the Commissioners; and in any Case in which a Distiller shall, with the Approbation of the Commissioners, carry on such Trade of a Dealer at any Place within the Distance aforesaid from his Distillery, no Spirits shall be sent out or removed from his Stock or Possession, either as a Dealer or a Distiller, without being accompanied by a Permit granted by the proper Officer, on pain of Forfeiture of such Spirits, and of such Penalty as by Law is imposed on a Distiller for sending out or removing Spirits without a Permit.

Retailer not to be concerned in any Distillery, &c. within Two Miles of his Premises, and no Retailer to be licensed in any Premises having a private Communication with a Distillery, &c.

CLXXIX. No Retailer shall be a Distiller, Rectifier, or Compounder keeping or using a Still, or be in any Manner interested or concerned in the Trade or Business of a Distiller, or of such Rectifier or Compounder, at any Premises within Two Miles of the Place at which he is entered or licensed to carry on the Business of a Retailer; and no Person shall be licensed as a Retailer in any House or Premises having any Communication or Way internally or through any enclosed or private Yard, Field, Passage, or private Road or Place, or otherwise than by a public Carriageroad, with any House or Premises entered or used by any Distiller or by any Rectifier or Compounder keeping or using a Still, and if any Retailer shall be a Distiller, or a Rectifier or Compounder keeping or using a Still, or in any Manner interested or concerned in any such Trade or Business, contrary hereto, or if any Person shall be licensed as a Retailer in any House or Premises contrary hereto, he shall forfeit the Sum of Two hundred Pounds.

No Spirits to be purchased except from licensed Traders, or at Customs or Excise

CLXXX. If any Person shall receive or buy or procure any Spirits otherwise than from a licensed Distiller, Rectifier, Compounder, Dealer, or Retailer, whose Name is painted over the outward Door of his entered Premises in the Manner required by Law, or at some public Sale of Spirits sold under the Direction of the Commissioners of Inland Revenue or the Commissioners of Customs, the Person so offending shall forfeit the Sum of Five hundred Pounds; but such Penalty shall not be incurred by reason of receiving or buying Foreign

or

or Colonial Spirits from the proper Warehouse of Customs in which the same have been deposited on the due Importation thereof, or receiving or buying *British* Spirits from a Warehouse in which the same have been deposited before Payment of Duty, or whilst the same are lying openly on the Quays on which such *British* Spirits have been lawfully landed on due Removal thereof from one Part of the United Kingdom to another, and from a licensed Distiller or Dealer in the Case of *British* Spirits. Sales or Warehouses.

CLXXXI. No Spirits shall be sent out of the Stock or Possession of any Distiller, nor shall any Spirits be removed from the Distillery, Stillhouse, Building, or other Place wherein the same were made or kept by any Distiller, without a Permit first granted and signed by the proper Officer, upon a Request Note subscribed by such Distiller, or by some Person on his Behalf, and delivered to the Officer, specifying therein the Quantity and Strength of the Spirits, and also specifying the Casks or other Vessels containing the same, the Person from whom and Place from which, and the Person to whom and the Place to which, such Spirits are to be sent, and by what Mode of Conveyance the same are intended to be sent, and whether by Land or by Water, which Permit shall be made by the Officer to correspond in respect to all the Particulars aforesaid with the Request Note; and a reasonable Time shall be limited and specified in the Permit during which the same is to be in force; and no Permit shall be valid or of any Effect if it shall be granted on any Request Note not made conformably to the Directions herein contained; and all Spirits which shall be sent out, removed, or carried, or found removing or carrying, without such Permit as aforesaid, together with the Casks, Vessels, and other Packages containing the same, and also the Boats and other Vessels, and the Horses and other Cattle and Carriages, made use of in the Removal or Conveyance thereof, shall be forfeited; and if any Distiller shall send out, deliver, or carry, or knowingly permit or suffer to be sent out, delivered, or carried, any Spirits from his Stock or Possession, or from any House, Building, or other Place wherein the same were made, or kept by him, without such Permit as aforesaid, or with any Permit not corresponding with the Spirits in Quantity and Strength, he shall, over and above the Forfeiture of the said Spirits, forfeit the Sum of Twenty Shillings for every Gallon of the Spirits so sent out, carried, or conveyed, of whatever Strength the same may be, and whether the same shall or shall not be seized: Provided always, that no Permit shall be granted to No Spirits to be removed from the Stock of a Distiller without a Permit.

a Distiller for any less Quantity of Spirits than Nine Gallons contained in One Cask.

Rectifier, Compounder, Dealer, or Retailer not to receive any Spirits without Permit or Certificate, nor any Person carry the same.

CLXXXII. If any Rectifier or Compounder, or Dealer or Retailer, shall receive, or knowingly suffer to be received, into his Stock or Possession, or shall suffer any other Person, for his Use or Account, to receive any Spirits, without the same being accompanied with a true and lawful Permit or Certificate duly granted, or if any Carrier, Boatman, or other Person shall knowingly carry, remove, or transport, or by means of his Horse, Cattle, Cart, Vessel, Boat, or other Conveyance shall knowingly suffer to be carried, removed, or transported, or shall be aiding in carrying, removing, or transporting, any Spirits which by Law ought to be accompanied with a Permit or Certificate, without being accompanied with a true and lawful Permit or Certificate duly granted in that Behalf, every Person so offending shall forfeit the Sum of Two hundred Pounds, over and above every other Penalty and Forfeiture to which he may be liable by Law; and all such Spirits, and the Packages in which the same shall be contained, and every such Horse, Cart, Vessel, Boat, and other Conveyance, and all such Cattle, shall also be forfeited.

No Spirits to be sent out or received into Stock unless the Permit or Certificate shall truly express the Strength.

CLXXXIII. No Distiller, Rectifier, or Compounder shall send out or remove from his Stock or Possession, nor shall any Rectifier or Compounder, or Dealer or Retailer, receive into his Stock or Possession, any Spirits unless the Permit or Certificate accompanying the same shall truly express the Sort or Kind and Strength at the Time of the Removal thereof; and all Spirits so removed, sent out, or received, not being accompanied with a true and lawful Permit or Certificate, as by Law required, expressing the Sort or Kind and Strength thereof, shall be forfeited, and the Distiller, Rectifier, or Compounder so sending out, and the Rectifier or Compounder, or Dealer or Retailer, so receiving such Spirits, shall respectively forfeit the Sum of One hundred Pounds; and no Rectifier or Compounder or Dealer shall have (except as after mentioned) Credit in Stock for any greater Quantity of Spirits received or found therein than for the Quantity, computed at Proof, brought in with such Permit or Certificate as aforesaid delivered to the Officer.

Rectifiers and others to have Credit for the Quantity expressed in the Permit.

All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty

CLXXXIV. No Spirits of any Kind whatever exceeding the Quantity of One Gallon of Spirits at a Time, of the same Denomination, for the same Person, shall be removed from any One Place to any other Place without a true and lawful Certificate of the proper Officer of Customs, if the Spirits be removed from a Customs Warehouse (unless the same be under Bond on Removal from one such Warehouse to another Warehouse),

Warehouse), or without a true and lawful Certificate from a Rectifier, or a Dealer or Retailer, if the Spirits be removed from the Stock of any such Trader, or without a true and lawful Permit if the Spirits be removed from the Stock or Possession of any other Person or from any Excise Warehouse; and all such Spirits found removing or removed, without such Permit or Certificate accompanying or having accompanied the same on the last Removal thereof (unless the same be under Bond as aforesaid), shall be forfeited, and every Person in whose Possession the same are found shall forfeit the Sum of One hundred Pounds, or treble the Value of such Spirits, at the Election of the Commissioners of Inland Revenue, or the Commissioners of Customs, or of the Person who shall prosecute for such Penalty. and Forfeiture.

CLXXXV. Any Officer of Excise or Customs, and any Officer of the Peace having a Commission from the Commissioners of Inland Revenue, may stop and detain any Person found carrying or removing any Spirits, and may examine such Spirits, and require the Production of a Permit or Certificate authorizing the Removal of the same; and if any Permit or Certificate be produced agreeing with the Spirits in all respects, such Officer may endorse thereon the Time and Place of such Examination; and if any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, shall be carried or removed by any Person, without a true and lawful Permit or Certificate accompanying the same and authorizing the Removal thereof, or if any Person found carrying or removing Spirits, in such Quantity as aforesaid, shall not, on being stopped or detained by any such Officer as aforesaid, forthwith produce a true and lawful Permit or Certificate authorizing the Removal thereof, the Person so offending shall incur the Penalty of One hundred Pounds; and any such Officer as aforesaid may arrest and detain the Offender, and convey him before a Justice of the Peace, who shall hear and determine, as soon afterwards as practicable, the Charge against the Person so arrested, and on his Confession, or on due Proof upon Oath of his Offence, convict him in the said Penalty; and no such Penalty shall be mitigated by any such Justice below the Sum of Ten Pounds; and every Person so convicted shall, immediately on such Conviction, pay down into the Hands of such Officer, or (if he be an Officer of the Peace, then) into the Hands of the Clerk of such Justice, for the Order and Direction of the Commissioners, the said Penalty; and if the Person so convicted shall not forthwith pay down such Penalty, the Justice, by Warrant under his Hand, shall commit him to

Persons removing Spirits in any Quantity exceeding One Gallon, and not producing a proper Permit, or Certificate may be arrested, and convicted, and on Non-payment of the Penalty may be imprisoned.

to any Gaol or Prison of the County or Place, there to be kept to Hard Labour for any Time not exceeding Six Calendar Months nor less than One Calendar Month, unless the Penalty shall be sooner paid.

Penalty for sending out or receiving Spirits without Permit, or for the fraudulent Use of Permits.

CLXXXVI. If any Person shall deliver, remove, or receive any Spirits, for the Removal of which a Permit is by Law required, without such Permit, or any greater Quantity of Spirits, or of a different Kind or Quality or Strength, than shall be expressed in the Permit, or, having obtained a Permit, shall not send out therewith the Spirits therein described, or return the said Permit to the proper Officer within the Time by Law required, or if any Person shall request, obtain, or use any Permit, or shall cause or suffer any Permit to be requested, obtained, or used, for any other Purpose than to accompany the actual Removal and Delivery of the Spirits as therein expressed, or shall produce, or cause or suffer to be produced, to any Person, any Permit as having been received with any Spirits other than as aforesaid, or shall in any Manner use, or cause or suffer to be used, any Permit so as that any Account of Spirits kept or checked by any Officer may be frustrated or evaded, the Person so offending shall forfeit the Sum of Five hundred Pounds, over and above all other Penalties and Forfeitures whatever; and every Permit used for any other Purpose than to accompany the Removal and Delivery of the Spirits for which the same was granted, and as therein expressed, shall be deemed to be a false Permit, and such unlawful Use thereof shall (over and above all other Penalties and Forfeitures) subject the Person so using the same to all Penalties and Forfeitures imposed by Law upon any Person for using, giving, or receiving any false Permit; and every Person having a Licence to distil, rectify, or compound, deal in, retail, or sell Spirits, shall, upon being convicted of any such Offence as aforesaid, forfeit such Licence, and no new Excise Licence shall be granted to him for the Remainder of the current Year of any Licence so forfeited.

If a Permit or Certificate be not delivered with Spiritssold they shall be forfeited to the Buyer, and double the Price.

CLXXXVII. If a true and lawful Permit or Certificate shall not be sent with any Spirits to the Buyer thereof, such Spirits shall, if the same be not seized in the Transit for Want of such Permit or Certificate, be forfeited to the Buyer thereof, and the Seller shall be rendered incapable of recovering the same, or the Value or Price thereof, in any Court of Law or Equity; and the Seller in such Case shall, over and besides the Loss of the said Spirits, forfeit double the Value of or Price agreed to be paid for the same, including the Duty thereon.

CLXXXVIII. Every Permit and Certificate respectively for

for the Removal of Spirits shall be granted and issued, obtained and used, under the Rules, Regulations, and Provisions of any Act of Parliament regulating the granting and issuing of Permits and Certificates for the Removal or Conveyance of exciseable Goods, or in any Manner relating to such Permits or Certificates (except so far as the same may be altered and otherwise directed by this Act), and all Clauses, Provisions, Fines, Penalties, and Forfeitures inflicted or imposed by any such Act shall extend to and be applied in the Execution of this Act, and to every Permit and Certificate respectively which shall be granted for the Removal of any Spirits, and to the Persons issuing, obtaining, or using the same.

Permits and Certificates for the Removal of Spirits to be granted under the Regulations of the Permit and Certificate Laws.

As to Scales, Weights, Measures, and Fastenings to be provided by Excise Traders.

CLXXXIX. Every Excise Trader under this Act shall provide sufficient and just Scales and Weights, and a Set of Standard Measures, for the Purpose of weighing, measuring, and taking an Account of the Spirits, Goods, and Commodities in his Warehouse, Stock, or Possession, and of any Casks or Vessels used for the Purpose of containing such Spirits, Goods, or Commodities; and such Weights and Measures shall be of such Denominations respectively as the Commissioners shall require; and the Excise Trader shall maintain and keep such Scales and Weights and Measures in such proper and convenient Place in his Distillery, Warehouse, or other entered Premises as the Supervisor shall approve, and so that the same shall be at all Times ready for the Use of the Officers; and the Excise Trader shall permit and suffer any Officer to use the same for the Purpose aforesaid, and shall, with his Servants and Workmen, whenever thereto required by any Officer, weigh or measure, and assist him in weighing or measuring, as he may require, and in taking an Account of, any such Spirits, Goods, and Commodities as aforesaid; and for any Refusal or Neglect on the Part of any Excise Trader to comply with any Direction or Provision in this Clause contained he shall forfeit the Sum of One hundred Pounds; and if any Scales or any Weight or Measure which shall be so provided shall be false or unjust or incorrect, or if any Excise Trader shall use, or permit or suffer to be used, any false, unjust, or insufficient Scales or Weight or Measure in the weighing or measuring of any Spirits or other Goods or Commodities, or shall practise any Device or Contrivance by which any Officer may be prevented from or deceived in taking the just and true Quantity, Weight, or Measure

Excise Traders to keep sufficient Scales, Weights, and Measures and aid the Officers in using the same.

Penalty for providing false Scales, Weights, or Measures, and for practising Fraud to prevent a true Account being taken.

Measure of any Spirits, Goods, or Commodities, or of any Casks or Vessels, the Excise Trader so offending shall forfeit the Sum of Two hundred Pounds, and all false, unjust, or insufficient Scales, Weights, and Measures respectively shall be forfeited.

All Fastenings (except Locks) for the Security of Warehouses, Storerooms, and Utensils to be provided at the Expense of the Excise Trader.

CXC. Wherever any Warehouse, Storeroom, or other Room or Place, or any Furnace, or any Still or other Vessel, or any Pipe, Plug, Cock, or other Utensil belonging to any Excise Trader, is by this Act directed to be secured and locked by the Officers, all fit and proper Fastenings for the Purpose of enabling the Officers to affix Locks thereto, or otherwise to secure the same, shall be provided and affixed, repaired and renewed from Time to Time by the Excise Trader to the Satisfaction of the proper Supervisor for the Time being, or other superior Officer, or otherwise such Supervisor or Officer shall provide and affix, and repair or renew, such Fastenings at the Expense of the Excise Trader, who shall pay to the proper Collector or Supervisor, on Demand, the Cost or Expense incurred thereby, on pain of forfeiting the Sum of One hundred Pounds for any Neglect or Refusal so to do; but all Locks or Keys necessary for the Purpose aforesaid shall be provided by the Commissioners, at the Expense of the Revenue; and if any Excise Trader, or his Servant or Workman, shall wilfully destroy or damage any such Fastening as aforesaid, or any Lock or Key belonging thereto, or any Lock Label, or shall by any means open, take off, or remove any Lock or Fastening, or Lock Label, or make any Way or Entrance, or improperly gain Access or Admittance into any Warehouse, Storeroom, or other Room or Place, Furnace, Still, or Vessel, Pipe, Plug, Cock, or other Utensil, or have any Fastening, Cock, Pipe, Plug, or Pump so constructed that Security intended to be obtained by any Lock or Fastening may be defeated, the Excise Trader shall, whether such Offence be committed by himself or his Servant or Workman, forfeit the Sum of Five hundred Pounds.

Locks and Keys to be provided at the Expense of the Revenue. Penalty for removing or damaging Locks or Fastenings.

Supplying Spirits to be unlawfully retailed, and having in possession Spirits not Duty-paid.

Penalty on Persons selling Liquors to be unlawfully retailed or consumed by others.

CXCI. If any Person shall knowingly sell or deliver or cause to be sold or delivered any Quantity of Spirits to any other Person, to the end that the same may be unlawfully retailed or consumed or carried into Consumption, the Person so offending shall forfeit, over and above all other Penalties, the Sum of One hundred Pounds.

CXCII. If any Person shall knowingly buy, or receive, or have

have in his Possession, any Spirits after the same shall have been removed from the Place where the same ought to have been charged with the Duty payable in respect thereof, and before the Duty to which the same shall be liable has been charged and paid or secured to be paid, or before such Spirits have been lawfully condemned as forfeited, such Person, whether he have or claim any Property or Interest therein or not, shall forfeit treble the Value of such Spirits, according to and at the Rate and Price which the best Spirits of the like Kind and Strength shall sell for in *London* at the Time when such Penalty shall be incurred, and the Spirits shall also be forfeited.

Persons knowingly having in Possession Spirits for which the Duties have not been paid to forfeit the same, and Treble value.

Retailing and using Spirits in Gaols.

CXCIII. No Licence shall be granted for the retailing of Spirits within any Gaol, Prison, or House of Correction, and all Licences granted to the contrary hereof shall be void and of no Effect; and if any Gaoler, Keeper or Officer of any Gaol, Prison, or House of Correction, shall sell, use, lend, or give away any Spirits, or knowingly permit or suffer any Spirits to be sold, used, lent, or given away in such Gaol, Prison, or House of Correction, or brought into the same, other than and except such Spirits as shall be prescribed or given by the Prescription and Direction of a regular Physician, Surgeon, or Apothecary, and supplied in pursuance of such Prescription from the Shop of some regular Apothecary, such Gaoler, Keeper, or Officer shall forfeit the Sum of One hundred Pounds, and if, being convicted of any such Offence, he shall again offend in like Manner, and be thereof a Second Time lawfully convicted, such Second Offence shall be deemed a Forfeiture of his Office.

No Licence to be granted for retailing Spirits within Gaols or Houses of Correction, nor shall Spirits be used there except such as shall be medicinally prescribed.

CXCIV. Any Justice of the Peace, upon Information upon Oath that any Spirits are kept and disposed of in any Gaol, Prison, or House of Correction, may enter and search, or authorize and empower by Warrant under his Hand any Constable, Headborough, or other Peace Officer to enter and search, any such Gaol, Prison, or House of Correction; and in case any Spirits shall be found therein (except such as are directed to be used medicinally as aforesaid) such Constable, Headborough, or other Peace Officer shall seize such Spirits, and cause the same to be forthwith staved and destroyed.

Justices, upon Information that Spirits are kept and disposed of in any Gaol, &c., may enter and search, and empower any Constable to seize the same.

Hawking Spirits and selling Spirits in unlicensed Places.

CXCV. No Person shall hawk, or sell, or expose to Sale, any Spirits, by whatever Name the same may be called, in or about

Persons hawking or selling

Spirits in unlicensed Places to forfeit the same and a Penalty, and may be committed to the House of Correction for Non-payment.

about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water, or in any other Manner or Place whatsoever, except in a Place duly licensed for that Purpose, upon pain of forfeiting all such Spirits and the Sum of One hundred Pounds; and any Justice of the Peace may, on his own View or on the Confession of the Party, or by due Proof on Oath made of such Offence, convict any Person so offending; and the Person convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount to which such Justice may think proper to mitigate the same, not being less than One Fourth Part thereof; and on Nonpayment thereof the Justice shall by Warrant under his Hand commit the Offender to Hard Labour in the House of Correction of the County or Place for the Space of Three Calendar Months, to be reckoned from the Day of the said Commitment, and the Person so committed shall not be discharged until he shall have paid the said Sum of Money, or until the full Expiration of the said Three Months.

Justice of Peace, upon Information on Oath, may issue Warrant to apprehend Persons hawking Spirits.

CXCVI. It shall be lawful for any Justice of the Peace, on Information upon Oath made before him against any Person for hawking or selling or exposing to Sale any Spirits contrary to this Act, to issue his Warrant under his Hand, to be directed to any Constable or other ministerial Officer of the Peace, for apprehending such Offender, and bringing him before such Justice, in order to such Offender being dealt with according to Law.

Any Person may detain a Hawker of Spirits, and give Notice to a Peace Officer, who is to carry the Offender before a Justice.

CXCVII. And it shall also be lawful for any Person whomsoever to seize and detain any Person who shall hawk or sell or expose to Sale in manner aforesaid any Spirits, by whatsoever Name they may be called, for such reasonable Time as may enable him to give Notice to the Constable, Headborough, Tythingman, Churchwarden, Overseer of the Poor, or some other Peace or Parish Officer, who is hereby required to carry the Person so seized and detained before a Justice of the Peace; and such Justice shall proceed to the Examination of the Person so brought before him for such Offence, in the same Manner as if such Person had been apprehended and brought before him under such Warrant as aforesaid.

As to the Acquittal and Reward of Informers.

Either of the offending Parties informing against the other shall

CXCVIII. On the Commission of any Offence against this Act, either of the offending Parties who shall first discover and inform against the other, before any Information has been lodged against the informing Party for such Offence, shall, upon Conviction of the Person against whom such Information

shall

shall be given, be discharged and acquitted from all Penalties to which, at the Time of such Information given, the informing Party may be liable by reason of any such Offence committed by him; and the Evidence of the informing Party shall, on any Trial touching such Offence, be admitted to prove the Facts thereof or relating thereto. be acquitted of his own Penalty.

CXCIX. Where any Person shall be lawfully convicted of any Offence against this Act, and the pecuniary Penalty imposed for such Offence shall not be paid, and cannot be levied, or the Person incurring such Penalty is not able to pay the same, but in lieu thereof is sent to Prison, the Commissioners may cause such Reward as they shall think fit, not exceeding Fifty Pounds in each Case, to be paid to the respective Persons who shall appear to them to be entitled thereto as Informers, and in such Shares and Proportions as they shall think fit, out of any Moneys in their Hands arising from any Penalties or Forfeitures under the Excise Laws. Informers may be rewarded by the Commissioners, if the Penalty is not paid, and cannot be levied, or if the Offender be sent to Prison.

As to Persons opposing the Law, and Peace Officers refusing to aid in executing it.

CC. If any Person shall, armed with any offensive Weapon, or in a violent Manner, with Staves or Stones, rescue any Offender arrested, or any Goods or Chattels seized under this Act, or shall prevent such Arrest or Seizure, or shall assault, beat, or wound any Officer or other Person acting in his Aid, or any Person who shall have given or be about to give Information against, or shall have discovered or given Evidence against, or be about to discover or give Evidence against, or shall seize or bring to Justice any Person offending against this Act, or who shall have seized or be about to seize or examine any Goods or Chattels as forfeited under this Act, or shall forcibly oppose the Execution of any of the Powers given by this Act, or who, being so armed, or with such Violence as aforesaid, shall offer or threaten so to do, every Person so offending, and his Aiders and Abettors, thereof lawfully convicted, shall be adjudged to be guilty of Felony, and shall be kept in Penal Servitude for the Term of Seven Years. Armed Persons opposing the Law or violently rescuing Offenders, or assaulting Officers, Informers, or Witnesses, guilty of Felony, and to be kept in Penal Servitude for Seven Years.

CCI. And if any Constable or other ministerial Officer of the Peace shall refuse or neglect, upon due Notice or Request, or on his own View, to be aiding in the Execution of this Act, he shall, on being thereof duly convicted before a Justice of the Peace, forfeit the Sum of Twenty Pounds. Penalty on Constable or other Peace Officer not assisting in executing this Act.

As to the Repeal of existing Acts and the Commencement and Operation of the Act.

Acts repealed.

CCII. The several Acts and Parts of Acts set forth in Schedule (C.) to this Act annexed are hereby repealed, to the Extent to which the same are by such Schedule expressed to be repealed, except as to anything done before the Commencement of this Act, and as to any Arrears of Duty, and any Allowance or Drawback, and any Penalty or Forfeiture which shall respectively have become due or payable or been incurred before the Commencement of this Act; and provided always, that all Bonds taken and Licences granted, and all Things done under the Authority or in pursuance of any of the said Acts or Parts of Acts hereby repealed, shall be as valid and effectual as if this Act had not been passed.

Commencement and Operation of the Act.

CCIII. This Act, as to the several Clauses and Provisions thereof for the Commencement of which no Day is hereinbefore expressly mentioned, shall commence on the First Day of *October* One thousand eight hundred and sixty, and shall have Effect throughout the whole of the United Kingdom, save and except as to such Clauses or Provisions thereof as are limited in their Operation to any particular Part of the said United Kingdom, by having the Name of such Part expressly mentioned therein, or by the Subject or Context thereof.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.),

Containing a Table to be used in determining the original Specific Gravity of Worts or Wash.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
.1	.3	4.1	15.5	8.1	34.3	12.1	54.9
.2	.6	4.2	16.0	8.2	34.8	12.2	55.4
.3	.9	4.3	16.4	8.3	35.4	12.3	55.9
.4	1.2	4.4	16.8	8.4	35.9	12.4	56.4
.5	1.5	4.5	17.3	8.5	36.5	12.5	56.9
.6	1.8	4.6	17.7	8.6	37.0	12.6	57.4
.7	2.1	4.7	18.2	8.7	37.5	12.7	57.9
.8	2.4	4.8	18.6	8.8	38.0	12.8	58.4
.9	2.7	4.9	19.1	8.9	38.6	12.9	58.9
1.0	3.0	5.0	19.5	9.0	39.1	13.0	59.4
1.1	3.3	5.1	19.9	9.1	39.7	13.1	60.0
1.2	3.7	5.2	20.4	9.2	40.2	13.2	60.5
1.3	4.1	5.3	20.9	9.3	40.7	13.3	61.1
1.4	4.4	5.4	21.3	9.4	41.2	13.4	61.6
1.5	4.8	5.5	21.8	9.5	41.7	13.5	62.2
1.6	5.1	5.6	22.2	9.6	42.2	13.6	62.7
1.7	5.5	5.7	22.7	9.7	42.7	13.7	63.3
1.8	5.9	5.8	23.1	9.8	43.2	13.8	63.8
1.9	6.2	5.9	23.6	9.9	43.7	13.9	64.3
2.0	6.6	6.0	24.1	10.0	44.2	14.0	64.8
2.1	7.0	6.1	24.6	10.1	44.7	14.1	65.4
2.2	7.4	6.2	25.0	10.2	45.1	14.2	65.9
2.3	7.8	6.3	25.5	10.3	45.6	14.3	66.5
2.4	8.2	6.4	26.0	10.4	46.0	14.4	67.1
2.5	8.6	6.5	26.4	10.5	46.5	14.5	67.6
2.6	9.0	6.6	26.9	10.6	47.0	14.6	68.2
2.7	9.4	6.7	27.4	10.7	47.5	14.7	68.7
2.8	9.8	6.8	27.8	10.8	48.0	14.8	69.3
2.9	10.2	6.9	28.3	10.9	48.5	14.9	69.9
3.0	10.7	7.0	28.8	11.0	49.0	15.0	70.5
3.1	11.1	7.1	29.2	11.1	49.6	15.1	71.1
3.2	11.5	7.2	29.7	11.2	50.1	15.2	71.7
3.3	12.0	7.3	30.2	11.3	50.6	15.3	72.3
3.4	12.4	7.4	30.7	11.4	51.2	15.4	72.9
3.5	12.9	7.5	31.2	11.5	51.7	15.5	73.5
3.6	13.3	7.6	31.7	11.6	52.2	15.6	74.1
3.7	13.8	7.7	32.2	11.7	52.7	15.7	74.7
3.8	14.2	7.8	32.7	11.8	53.3	15.8	75.3
3.9	14.7	7.9	33.2	11.9	53.8	15.9	75.9
4.0	15.1	8.0	33.7	12.0	54.3	16.0	76.5

SCHEDULE (B.)

A TABLE for determining the WEIGHT per GALLON of SPIRITS by SYKES'S HYDROMETER.

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
0	8.154	9	8.306	18	8.460	27	8.617
2	8.157	2	8.309	2	8.464	2	8.620
4	8.161	4	8.313	4	8.467	4	8.624
6	8.164	6	8.316	6	8.471	6	8.628
8	8.168	8	8.320	8	8.474	8	8.631
1	8.171	10	8.323	19	8.478	28	8.635
2	8.174	2	8.326	2	8.481	2	8.639
4	8.178	4	8.330	4	8.485	4	8.642
6	8.181	6	8.333	6	8.488	6	8.646
8	8.185	8	8.337	8	8.492	8	8.649
2	8.188	11	8.340	20	8.495	29	8.653
2	8.191	2	8.343	2	8.498	2	8.656
4	8.195	4	8.347	4	8.502	4	8.660
6	8.198	6	8.350	6	8.505	6	8.663
8	8.202	8	8.354	8	8.509	8	8.667
3	8.205	12	8.357	21	8.512	30	8.670
2	8.208	2	8.361	2	8.516	2	8.674
4	8.212	4	8.364	4	8.519	4	8.677
6	8.215	6	8.368	6	8.523	6	8.681
8	8.219	8	8.371	8	8.526	8	8.684
4	8.222	13	8.375	22	8.530	31	8.688
2	8.225	2	8.378	2	8.533	2	8.692
4	8.229	4	8.382	4	8.537	4	8.695
6	8.232	6	8.385	6	8.540	6	8.699
8	8.236	8	8.389	8	8.544	8	8.702
5	8.239	14	8.392	23	8.547	32	8.706
2	8.242	2	8.395	2	8.551	2	8.709
4	8.245	4	8.399	4	8.554	4	8.713
6	8.249	6	8.402	6	8.558	6	8.716
8	8.252	8	8.406	8	8.561	8	8.720
6	8.255	15	8.409	24	8.565	33	8.723
2	8.258	2	8.412	2	8.568	2	8.727
4	8.262	4	8.416	4	8.572	4	8.730
6	8.265	6	8.419	6	8.575	6	8.734
8	8.269	8	8.423	8	8.579	8	8.737
7	8.272	16	8.426	25	8.582	34	8.741
2	8.275	2	8.429	2	8.586	2	8.745
4	8.279	4	8.433	4	8.589	4	8.748
6	8.282	6	8.436	6	8.593	6	8.752
8	8.286	8	8.440	8	8.596	8	8.755
8	8.289	17	8.443	26	8.600	35	8.759
2	8.292	2	8.446	2	8.603	2	8.763
4	8.296	4	8.450	4	8.607	4	8.766
6	8.299	6	8.453	6	8.610	6	8.770
8	8.303	8	8.457	8	8.614	8	8.773

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
36	8.777	46	8.958	56	9.143	66	9.332
2	8.781	2	8.962	2	9.147	2	9.336
4	8.784	4	8.965	4	9.151	4	9.340
6	8.788	6	8.969	6	9.154	6	9.344
8	8.791	8	8.972	8	9.158	8	9.348
37	8.795	47	8.976	57	9.162	67	9.352
2	8.799	2	8.980	2	9.166	2	9.356
4	8.802	4	8.984	4	9.170	4	9.360
6	8.806	6	8.987	6	9.173	6	9.363
8	8.809	8	8.991	8	9.177	8	9.367
38	8.813	48	8.995	58	9.181	68	9.371
2	8.817	2	8.999	2	9.185	2	9.375
4	8.820	4	9.002	4	9.189	4	9.379
6	8.824	6	9.006	6	9.192	6	9.382
8	8.827	8	9.009	8	9.196	8	9.386
39	8.831	49	9.013	59	9.200	69	9.390
2	8.835	2	0.017	2	9.204	2	9.394
4	8.838	4	9.021	4	9.207	4	9.398
6	8.842	6	9.024	6	9.211	6	9.401
8	8.845	8	9.028	8	9.214	8	9.405
40	8.849	50	9.032	60	9.218	70	9.409
2	8.853	2	9.036	2	9.222	2	9.413
4	8.856	4	9.039	4	9.226	4	9.417
6	8.860	6	9.043	6	9.229	6	9.420
8	8.863	8	9.046	8	9.233	8	9.424
41	8.867	51	9.050	61	9.237	71	9.428
2	8.871	2	9.054	2	9.241	2	9.432
4	8.874	4	9.058	4	9.245	4	9.436
6	8.878	6	9.061	6	9.248	6	9.440
8	8.881	8	9.065	8	9.252	8	9.444
42	8.885	52	9.069	62	9.256	72	9.448
2	8.889	2	9.073	2	9.260	2	9.452
4	8.892	4	9.076	4	9.264	4	9.456
6	8.896	6	9.080	6	9.267	6	9.459
8	8.899	8	9.083	8	9.271	8	9.463
43	8.903	53	9.087	63	9.275	73	9.467
2	8.907	2	9.091	2	9.279	2	9.471
4	8.911	4	9.095	4	9.283	4	9.475
6	8.914	6	9.098	6	9.286	6	9.479
8	8.918	8	9.102	8	9.290	8	9.483
44	8.922	54	9.106	64	9.294	74	9.487
2	8.926	2	9.110	2	9.298	2	9.491
4	8.929	4	9.114	4	9.302	4	9.495
6	8.933	6	9.117	6	9.305	6	9.498
8	8.936	8	9.121	8	9.309	8	9.502
45	8.940	55	9.125	65	9.313	75	9.506
2	8.944	2	9.129	2	9.317	2	9.510
4	8.947	4	9.132	4	9.321	4	9.514
6	8.951	6	9.136	6	9.324	6	9.517
8	8.954	8	9.139	8	9.328	8	9.521

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
76	9.525	82	9.643	88	9.761	94	9.880
2	9.529	2	9.647	2	9.765	2	9.884
4	9.533	4	9.651	4	9.769	4	9.888
6	9.537	6	9.655	6	9.773	6	9.892
8	9.541	8	9.659	8	9.777	8	9.896
77	9.545	83	9.663	89	9.781	95	9.900
2	9.549	2	9.667	2	9.785	2	9.904
4	9.553	4	9.671	4	9.789	4	9.908
6	9.557	6	6.674	6	9.792	6	9.913
8	9.561	8	9.678	8	9.796	8	9.917
78	9.565	84	9.682	90	9.800	96	9.921
2	9.569	2	9.686	2	9.804	2	9.925
4	9.573	4	9.690	4	9.808	4	9.929
6	9.576	6	9.694	6	9.812	6	9.934
8	9.580	8	9.698	8	9.816	8	8.938
79	9.584	85	9.702	91	9.820	97	9.942
2	9.588	2	9.706	2	9.824	2	9.946
4	9.592	4	9.710	4	9.828	4	9.950
6	9.596	6	8.714	6	9.832	6	9.955
8	9.600	8	9.718	8	9.836	8	9.959
80	9.604	86	9.722	92	9.840	98	9.963
2	9.608	2	9.726	2	9.844	2	9.967
4	9.612	4	9.730	4	9.848	4	9.972
6	9.615	6	9.733	6	9.852	6	9.976
8	9.619	8	9.737	8	9.856	8	9.981
81	9.623	87	9.741	93	9.860	99	9.985
2	9.627	2	9.745	2	9.864	2	9.989
4	9.631	4	9.749	4	9.868	4	9.994
6	9.635	6	9.753	6	9.872	6	9.998
8	9.639	8	9.757	8	9.876	8	10.003
						100	10.007

SCHEDULE (C.)

Of Acts to be REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
28 Geo. 3. c. 46. -	An Act for discontinuing for a limited Time the several Duties payable in Scotland upon Low Wines and Spirits, and upon Worts, Wash, and other Liquors there used in the Distillation of Spirits, and for granting to His Majesty other Duties in lieu thereof; and for better regulating the Exportation of British-made Spirits from England to Scotland and from Scotland to England; and to continue for a limited Time an Act made in the Twenty-sixth Year of the Reign of His present Majesty "to discontinue for a "limited Time the Payment of the Duties "upon Low Wines and Spirits for Home "Consumption; and for granting and se- "curing the due Payment of other Duties "in lieu thereof; and for the better Regu- "lation of the making and vending British "Spirits; and for discontinuing for a "limited Time certain Imposts and Duties "upon Rum and Spirits imported from "the West Indies."	The whole Act.
1 & 2 Geo. 4. c. 82. -	An Act for allowing to Distillers of Spirits for Home Consumption in Scotland a Drawback of a Portion of the Duty on Malt used by them; and for the further Prevention of Smuggling of Spirits on the Borders of Scotland and England.	The whole Act.
3 Geo. 4. c. 52. -	An Act to grant certain Duties in Scotland upon Wash or Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills, and to regulate the Distillation of such Spirits for Home Consumption; and for better preventing private Distillation in Scotland, until the Tenth Day of November One thousand eight hundred and twenty-four.	The whole Act, except Sections 107 to 127 inclusive.
4 Geo. 4. c. 94. -	An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in Scotland and Ireland, and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty.	The whole Act, except Section 133.

Date of Act.	Title of Act.	Extent of Repeal.
6 Geo. 4. c. 58.	An Act for providing equivalent Rates of Excise Duties, Allowances, and Drawbacks on Beer and Malt, and on Spirits made in Scotland or Ireland, according to the Measure of the new Imperial Standard Gallon.	The whole Act.
6 Geo. 4. c. 80.	An Act to repeal the Duties payable in respect of Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof; and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation.	The whole Act, except Section 145.
9 Geo. 4. c. 45.	An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation in Scotland, and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only.	The whole Act, except so much of Section 2 as relates to the Prevention of private Distillation in Scotland.
11 Geo. 4. & 1 Will. 4. c. 49.	An Act to impose additional Duties of Excise on Spirits.	The whole Act.
2 Will. 4. c. 29.	An Act to reduce the Allowance on Spirits made from Malt only in Scotland and Ireland.	The whole Act.
2 & 3 Will. 4. c. 74.	An Act to permit the Distillation of Spirits from Mangel Wurzel.	The whole Act.
4 & 5 Will. 4. c. 75.	An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom.	The whole Act, except Sections 9 and 10.
6 & 7 Will. 4. c. 72.	An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations and Commodities made from or with Spirits removed from Ireland to England or Scotland, or from Scotland to England; and to grant countervailing Drawbacks on the Removal of the same, to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom, and to alter the Laws relating to Distillers and Retailers of Spirits.	The whole Act.

Date of Act.	Title of Act.	Extent of Repeal.
5 Vict. Sess. 2. c. 15.	An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only in Ireland.	The whole Act.
5 Vict. Sess. 2. c. 25.	An Act to repeal the present and impose and allow new countervailing Duties and Drawbacks of Excise on Mixtures and Preparations made with Spirits when removed from or into England, Scotland, or Ireland respectively, and to suspend for a limited Time so much of an Act of the present Session as repeals the Allowance on Spirits made from Malt only in Ireland.	The whole Act, except Section 4.
6 & 7 Vict. c. 49. -	An Act to reduce the Duty on Spirits in Ireland, and to impose other countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Ireland, England, and Scotland respectively.	The whole Act.
8 & 9 Vict. c. 65. -	An Act to determine the countervailing Duties payable on Spirits of the Nature of plain British Spirits, the Manufacture of Guernsey, Jersey, Alderney, or Sark, imported into the United Kingdom, and to prohibit the Importation of rectified or compound Spirits from the said Islands.	The whole Act.
10 & 11 Vict. c. 6. -	An Act to further encourage the Distillation of Spirits from Sugar in the United Kingdom.	The whole Act.
11 & 12 Vict. c. 100. -	An Act to permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom.	The whole Act.
11 & 12 Vict. c. 121. -	An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders, and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise.	The whole Act, except Sections 9, 10, 11, 18. and 28.
11 & 12 Vict. c. 122. -	An Act to amend the Laws respecting the warehousing of British Spirits in England, Scotland, and Ireland respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and rectified Spirits to be exported on Drawback from any Part of the United Kingdom, and respecting certain Spirit Mixtures and the Removal of Goods subject to Excise Regulations from Customs Warehouse.	The whole Act, except Section 26.

Date of Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 37. -	An Act to impose additional Duties on Spirits in Scotland and Ireland, and to alter the countervailing Duties on Spirits the Manufacture of Guernsey, Jersey, Alderney, or Sark imported into Scotland or Ireland, and the countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Scotland, Ireland, and England respectively, and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits.	The whole Act.
17 & 18 Vict. c. 27. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act, except Section 8.
18 Vict. c. 22. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act.
18 & 19 Vict. c. 94. -	An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom, to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively, and to amend the Laws relating to the Duties of Excise.	Sections 1, 2, 3, 4. 9, 10. 28. 30, 31. 33 and 34.
19 & 20 Vict. c. 51. -	An Act to permit the Use of Rice in the Distillation of Spirits.	The whole Act.
21 & 22 Vict. c. 15. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act.

CAP. CXV.

An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments.—[28*th* August 1860.]

WHEREAS by several Acts of Parliament Debts and Obligations to the Crown, Judgments pending Suits, and Annuities are severally required to be registered in the Office of the Senior Master of the Court of Common Pleas at *Westminster*, in order to affect any Lands, Tenements, and Hereditaments sought to be charged therewith, and it is expedient to simplify and amend the Practice with respect to the Entry of Satisfaction or Discharge on the Registry thereof respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of Sections 195, 196, and 197 of 16 & 17 Vict. c. 107. extended to all Bonds to the Crown.

I. All the Powers, Provisions, and Regulations concerning Bonds and other Securities relating to the Customs contained in Sections One hundred and ninety-five, One hundred and ninety-six, and One hundred and ninety-seven of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seven, shall, *mutatis mutandis*, be deemed to extend and shall be applied to all Bonds and other Securities entered into or given to Her Majesty, Her Heirs or Successors: Provided always, that in every Case in which under the Provisions of the said Sections any Certificate is required to be signed or any other Matter authorized to be done by the Commissioners of Customs, or any Number of them, any such Certificate or Matter in relation to any Bond or other Security concerning or incident to any Public Department shall respectively be signed and done by the respective Commissioners or other Principal Officers of such Department, or any Two of them respectively, or if there shall be only One such Commissioner or principal Officer then by him, as the Case may be, or if there shall be no such Commissioner or other principal Officer then by the Commissioners of Her Majesty's Treasury or any Two of them.

As to Entry of Satisfac-

II. The Senior Master of the Court of Common Pleas at *Westminster* may, upon the filing with him of an Acknowledgment

tion on Judgments.

ment in the Form or to the Effect following, be at liberty to enter a Satisfaction or Discharge as to any registered Judgment, pending Suit, Lis pendens, Decree, Order, Rule, Annuity, or Rentcharge or Writ of Execution, and such Officer shall be entitled for any such Registry of Satisfaction or Discharge to the Sum of Two Shillings and Sixpence, and no more; and such Senior Master may issue Certificates of the Entry of any Satisfaction or Discharge, and may charge the Sum of One Shilling for every such Certificate.

Form of Acknowledgment of Satisfaction.

SATISFACTION is acknowledged between *A.B.* and *C.D.* as to a dated the Day of 18 for the Sum of £ a Memorandum of which said was left with the Senior Master of the Court of Common Pleas at Westminster on the Day of 18 to affect the Estate of and [if so] on the Writ of Execution thereon, dated the Day of 18 , a Memorandum of which was left with the said Master on the Day of 18 . And (*or* the Executor or Administrator of) do hereby expressly nominate and appoint of Attorney-at-Law to witness and attest the Execution of this Acknowledgment of Satisfaction.

Signed by the said in the Presence of me, the undersigned , One of the Attorneys of Her Majesty's Court of at Westminster, and I hereby declare myself to be the Attorney for and on behalf of the said expressly named by and attending at request to inform him of the Nature and Effect of this Acknowledgment of Satisfaction (which I accordingly did before the same was signed by), and I also declare that I subscribe my Name as Witness hereto as such Attorney.

A.B. the above-named [*or F.G.*, Executor or Administrator of] the Day of 18 .

CAP. CXVI.

An Act to amend the Law relating to the Election, Duties, and Payment of County Coroners.—[28*th* August 1860.]

§ X. The said Act of the Seventh and Eighth *Victoria*, Chapter Ninety-two (as varied by this Act), and this Act, shall extend only to that Part of the United Kingdom called *England* and *Wales*.

CAP. CXVII.

An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, *for the Erection of an Industrial Museum for* Scotland.—[28*th* August 1860.]

WHEREAS under the Provisions of an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, Chapter Eighty, intituled *An Act to ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings, and to vest in the said Commissioners certain Properties situate near the College of* Edinburgh *in the City of* Edinburgh, *together with the General Register House in the said City, and all Lands held therewith, and to enable the said Commissioners to acquire certain Property near the Palace of* Holyrood, certain Property was acquired and vested in the said Commissioners for the Purpose of erecting a National Museum of Industry for *Scotland* within the City of *Edinburgh*: And whereas it has been found that the Property so acquired and vested is of inadequate Extent for that Purpose, and it is necessary and expedient that certain Lands, Houses, and other Property situate in or adjoining to *Argyle Square* in the City Parish of *Edinburgh* or Parish of *Easter* or *Old Greyfriars* within the Royalty and City of *Edinburgh*, described in the Schedule to this Act annexed, should be acquired and appropriated by the said Commissioners 18 & 19 Vict. c. 80.

Commissioners for the Erection of the said National Museum of Industry: And whereas a Plan describing the said Lands, Houses, and other Property to be acquired by the said Commissioners under the Authority of this Act has been deposited in the Office at *Edinburgh* of the Sheriff Clerk of the County of *Mid Lothian*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Industrial Museum (*Scotland*) Act, 1860."

8 & 9 Vict. c. 19. incorporated.

II. "The Lands Clauses Consolidation *Scotland* Act, 1845," save and except such Parts as relate and so far only as such Parts relate to Compensation for any Damage or Injury to or to injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Forty-eight, Eighty to Ninety-two inclusive, One hundred and twenty to One hundred and twenty-eight inclusive, One hundred and thirty-two, One hundred and thirty-five, One hundred and forty-two, and One hundred and forty-three of the said Act, shall, so far as the same may be applicable to and not inconsistent with or modified by this Act, be incorporated with and form Part of this Act; and the Expression "the special Act" in the said Act shall mean this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, incorporated by this Act.

Interpretation of Terms.

III. The following Words shall have the several Meanings hereby assigned to them:

The Word "Commissioners" in this Act shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, incorporated by this Act:

The Word "Lands" in this Act and in the Act herewith incorporated, so far as the same relates to the Purposes of this Act, shall mean and include Houses, Buildings, Tenements, Cellars, Areas, Streets, Squares, Ways, Paths, Passages, Stairs, Galleries, Walls, Yards, Sheds, Workshops, Water Tanks, Gardens, vacant Ground, and Subjects of every Description and of every Tenure, and all public and private Rights, Liberties, Privileges, and Servitudes of every Description, in, over, upon, under, or through the same or any of them.

Commissioners of Works Incorpo-

IV. The Persons who for the Time being, under the Provisions of the Act Fourteenth and Fifteenth *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and

and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and a Common Seal, to be by them from Time to Time altered as they may think fit. rated for Purposes of this Act.

V. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament, and put at their Disposal for that Purpose, to purchase and acquire, as provided in this Act and in the Act herewith incorporated, the Lands described on the said deposited Plan and in the Schedule to this Act annexed, and to pull down and remove the Buildings thereon, when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground mentioned in the said Schedule, whether now used as Streets, Squares, Ways, Paths, Passages, Yards, Gardens, Pleasure Grounds, vacant Ground, or otherwise, for the Erection thereon or on some Part or Parts thereof of a Building or Buildings for the said National Museum of Industry, and the necessary Accesses and Approaches thereto, and to carry the Purposes of this Act into execution in manner herein mentioned. Commissioners to carry Act into execution.

VI. In all Cases of disputed Compensation for Lands to be purchased or acquired by the Commissioners under the Provisions of this Act, and the Act herewith incorporated, in which the Verdict of a Jury shall be given, or the Award of Arbiters or an Oversman shall be issued, the Jury, Arbiters, or Oversman shall in such Verdict or Award state separately and distinctly the Amount of Compensation awarded in respect of the Value of such Lands, and the Amount, if any, awarded in respect of Damage sustained or to be sustained from the Loss thereof by the Party from whom such Lands are to be acquired, and the Jury, Arbiters, or Oversman shall, if required by the Commissioners, declare in such Verdict or Award whether the Particulars of the Claim have been computed, made up, and delivered to the Commissioners in such Manner as to enable them to make a proper Offer of Compensation. Value of Lands to be ascertained distinct from Damages.

VII. In all Cases where by the Verdict of a Jury or the Award of Arbiters or an Oversman a less Sum is awarded to the Party claiming Compensation than had been previously to the commencement of the Inquiry offered to him by the Commissioners, and where by such Verdict or Award it is declared that the Particulars of the Claim have not been computed, made up, and delivered to the Commissioners in such Manner as to enable them to make a proper Offer of Compensation, As to Expenses of Proceedings before Juries and Arbiters.

Compensation, the Party so claiming shall not only be liable in Payment of the Expenses incurred by him in the Course of the Inquiry, but also in Payment of the Expenses incurred by the Commissioners in the Inquiry, as the same shall be taxed by the Auditor of the Court of Session, unless the Jury, Arbiters, or Oversman by a special Finding declare that the Commissioners shall bear their own Expenses.

Purchases to be made under the Authority of the Treasury.

VIII. No Purchase shall be made by the Commissioners for the Purposes of this Act except with the Consent of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Seller to ascertain that such Consent has been given, nor shall the Commissioners be bound to produce to any Seller any Evidence of such Consent: Provided that such Consent may be given either generally, or for any particular Purchase or Purchases, as to the Commissioners of Her Majesty's Treasury shall seem meet.

Lands acquired to be vested in Commissioners for the Public Service.

IX. All Lands purchased or acquired by the Commissioners under the Authority of this Act and to the Act herewith incorporated shall be vested in them for the Public Service, and shall be subject to the Provisions of the Act Fifteenth *Victoria*, Chapter Twenty-eight, and in all respects as if such Lands had been acquired under the Provisions of that Act.

Materials, &c. vested in the Commissioners.

X. The Right and Property of all the Materials, Implements, Utensils, and Things whatsoever which may be provided by the Commissioners or by their Order, or under any Contract to be entered into by them, or which may otherwise belong to and be used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners, in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action, and to prosecute any Person who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb the Commissioners or their Officers or other Persons acting under them in the Possession thereof.

Power to alter Streets and Ways.

XI. It shall be lawful for the Commissioners to alter, widen, bridge over, or otherwise vary all such Streets, Ways, Paths, Passages, Roads, or Accesses connected with, adjoining, or near to, or which now lead into or pass through the Lands to be purchased or acquired as aforesaid, as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Ways, Paths, Passages, Roads, or Accesses, or Parts

Parts thereof respectively, as shall be so altered, widened, bridged over, or otherwise varied, shall be and are hereby vested in the Commissioners for the Purposes of this Act: Provided that the Commissioners shall cause to be constructed an Access or Communication between the Buildings of the University of *Edinburgh* and the Buildings of the National Museum of Industry, the Use of which Access or Communication shall be subject to such Regulations as the Commissioners may from Time to Time prescribe.

Streets may be raised or lowered.

XII. It shall be lawful for the Commissioners to raise or lower the Ground of any Streets or Ways which shall communicate with the Building or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Lands may be taken notwithstanding Errors in Schedule.

XIII. It shall be lawful for the Commissioners to purchase, take, and use for the Purposes of this Act any of the Lands described on the said Plan and in the Schedule to this Act annexed, although such Lands, or the Name or Names of the Owner, Lessee, or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, provided it shall appear to and be certified by any Two or more of the Justices of the Peace for the City of *Edinburgh* that such Error or Omission proceeded from Mistake or erroneous Information.

Power to clear Ground and sell old Materials.

XIV. It shall be lawful for the Commissioners to pull down or cause to be pulled down all Houses, Buildings, and other Erections purchased or acquired under this Act, or such of them or such Parts thereof as they shall deem expedient to be pulled down, and to level and clear the Ground whereon the same stand, and all other Ground to be purchased under this Act, in such Manner as they shall think proper, and, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down and removed; and the Monies produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Lands as may be purchased or acquired under this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Actions may be brought for Breach of Contract.

XV. In case any Contract entered into with the Commissioners in pursuance of this Act shall not be well and sufficiently performed according to the Intent and Meaning of such Contract, or in case any Work to be executed in pursuance of this Act shall not be executed according to the Intent and Meaning of any Contract entered into with the Commissioners, or shall not be completed within the Time or Times specified

specified in such Contract, then and in every such Case the Commissioners may cause an Action to be brought in any of the Courts of Law in *Scotland* against any Contractor or his Sureties for any Penalty contained in his Contract, and on Proof of the Non-performance thereof at the Time or Times for that Purpose therein mentioned the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him or his Sureties for the Breach or Non-performance of any such Contract for such Sum of Money as the Commissioners shall think proper.

Surplus Lands may be sold.

XVI. It shall be lawful for the Commissioners from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell, excamb, feu, or in any other Manner dispose of or to let all or any of the Lands purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes thereof, and to execute all Conveyances, Contracts, Leases, or other Deeds and Writings that may be requisite and necessary.

Lands acquired by Excambion to vest in Commissioners.

XVII. All Lands that may be acquired by the Commissioners by way of Excambion shall vest in them for the same Uses and Purposes, and with the like Powers in all respects, as are hereby declared with respect to Lands purchased or acquired under the Provisions of this Act.

Monies to be paid to Paymaster General.

XVIII. All Monies payable to the Commissioners under the Provisions of this Act, arising from the Sale of any Lands or Materials or otherwise, or which may be payable by way of Rent, Premium, Feu Duty, Compensation, or otherwise, shall be paid to Her Majesty's Paymaster General for the Time being, whose Receipt shall be a sufficient Discharge for such Monies to the Person paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Contracts made by First Commissioner of Works to be valid.

XIX. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act conferred on the Commissioners shall be valid and binding on the Commissioners as if the same had been under their Corporate Seal.

XX. All

Notices by Commissioners.

XX. All Notices and other Writs and Proceedings which under this Act are to be given or executed by the Commissioners may be given or executed under the hand of *Donald Horne*, Writer to the Signet, their Solicitor in *Scotland*, or of their Solicitor in *Scotland* for the Time being, or of *Robert Matheson*, their Surveyor of Works in *Scotland*, or of their Surveyor of Works in *Scotland* for the Time being.

Notices to Commissioners.

XXI. All Notices and other Writs and Proceedings which under this Act are to be given to or served on the Commissioners shall be given to or served on the said *Donald Horne* or *Robert Matheson*, or their Solicitor or Surveyor of Works in *Scotland* for the Time being, by being left at or transmitted through the Post to their respective Places of Business in *Edinburgh*.

Deeds and Instruments not liable to Stamp Duty.

XXII. No Deed, Bond, Discharge, Receipt, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, or to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Saving Rights of Her Majesty.

XXIII. Nothing in this Act contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors.

Protection of Commissioners personally.

XXIV. Nothing in this Act contained, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHE-

SCHEDULE referred to in this Act.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1.1.1.1. 1.1.1.1. 1.1.1.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	John Cochrane, M.D., No. 17, Argyle Square.	John Cochrane, M.D., No. 17, Argyle Square.
2.2.2.2. 2.2.2.2. 2.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	The same - - -	Alexander Maxwell Adams, M.D., No. 16, Argyle Square.	Alexander Maxwell Adams, M.D., No. 16, Argyle Square.
3.3.3.3. 3.3.3.3.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Alexander Callender, No. 27, Grey Street, Edinburgh.	James Watson, Teacher of Arithmetic, No. 15, Argyle Square.	James Watson, Teacher of Arithmetic, No. 15, Argyle Square.
4.4.4.4. 4.4.4.4.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Mrs George Watson, No. 23, George Square, Edinburgh.	Andrew Gibb, Commission Agent, No. 14, Argyle Square.	Andrew Gibb, Commission Agent, No. 14, Argyle Square.
5.5.5.5. 5.5.5.5. 5.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	James Lindsay, Fruit Salesman, No. 13, Argyle Square.	- - - -	James Lindsay, Fruit Salesman, No. 13, Argyle Square.
6.6.6.6. 6.6.6.6. 6.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	The Reverend Thomas Hardie, Wester Foulis, Crieff; John Forrester, W.S., No. 8, Drummond Place, Agent.	The Reverend James Wright, No. 12, Argyle Square.	The Reverend James Wright, No. 12, Argyle Square.
7.7.7.7. 7.7.7.7. 7.7.7.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back Ground, Sheds, Covered Passage, and Boundary and Division Walls.	John Ord Mackenzie, W.S., No. 9, Hill Street, Edinburgh, as sole surviving Trustee of the late John Mackintosh, Surgeon in the Royal Artillery.	- - - -	John Smith, Tailor; Mrs. Mary Scott; Matthew Combe, Tailor; Mrs. James Hamilton; Mrs. Margaret Macfarlane; James Thyne, Draper; Robert Macfarlane, Gas Surveyor; James Barron, Butler; all of No. 11, Argyle Square.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
8.8.8.8. 8.8.8.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	The Rev. William Nisbet, No. 10, Argyle Square.	The Reverend William Nisbet, No. 10, Argyle Square.
9.9.9.9. 9.9.9.9.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Mrs. Ebenezer Wallace, No. 13, London Street, Edinburgh, and Ebenezer Wallace, W.S., her Husband; the Rev. James Duncan, Minister of the Free Church at Temple, by Gorebridge.	The Rev. James Gardner, M.D., No. 9, Argyle Square.	The Reverend James Gardner, M.D., No. 9, Argyle Square.
10.10.10. 10.10.	Pleasure Ground in Argyle Square, with Parapets, Copes, Iron Rails, and Gates enclosing the same.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	—	—
11.11.11. 11.	Tenement of Dwelling Houses, Shops, and Warehouses in Brown Square.	The Honourable Walter Elliott of Wolflee, Madras Civil Service; and Samuel Hay, Manager of the Union Bank of Scotland, Edinburgh, his Commissioner.	- - - -	John Schultze, Printer, Mrs. Anne Mackenzie, Jane Gowans, all of No. 20, Brown Square, Edinburgh; Mrs. Jane Gowans, Grocer, No. 21, Brown Square, Edinburgh; Messrs. Muir and Wilson, Commission Agents, Nos. 22, 23, and 24, Brown Square, Edinburgh; and William Muir and Thomas Wilson, the individual Partners of that Firm; James Hunter, Provision Merchant, No. 26, Brown Square, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
12.12.	Portion of ruinous Tenement.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10 Royal Exchange, Edinburgh; and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	James Doull, Joiner, and House Agent, No. 11, West Adam Street, Edinburgh: William Anderson, Slater and Glazier, No. 10, North College Street, Edinburgh.
13.13.13. 13.13.13.	Remaining Portion of ruinous Tenement, with Workshops, Areas, Stables, and Boundary and Division Walls.	Charles M'Gibbon, Builder, No. 7 East Claremont Street, Edinburgh.	- - -	The same; and James Hunter, Provision Merchant, No. 26, Brown Square, Edinburgh.
14.14.14.	Enclosed Space and Shed.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10 Royal Exchange, Edinburgh; and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	Robert Berry and Alex. Berry, Builders, Nos. 22 and 24 Society, Edinburgh.
15.15.15.	Range of Buildings, comprehending a Barm Brewery, Stables, Coach-houses, Lofts, Dungstead, and Cellar.	Sir John Hall of Dunglass, Baronet, as sole surviving Trustee of the late Mrs. Isabella Atkinson or Potts, Widow of the deceased Thomas Potts, Merchant and Grocer, Bristo Port, Edinburgh.	The Union Barm Company, Alex. M'Kean, Baker, No. 2, Charles Street, Edinburgh, Treasurer.	The Union Barm Company, Alex. M'Kean, Baker, No. 2, Charles Street, Edinburgh, Treasurer; Archibald Aikman and Co., Merchants, No. 1, Victoria Street, Edinburgh; Peter Wilson and Co., Spirit Dealers, Regent Arch, Edinburgh; Robert Berry and Alex. Berry, Builders, Nos. 22 and 24 Society, Edinburgh.
16.16.16. 16.16.16. 16.	Enclosed Space, with Walls and Door.	Edinburgh Water Company, Alex. Ramsay, Manager, No. 123, Princes Street, Edinburgh.	- - -	Edinburgh Water Company, Alex. Ramsay, Manager, No. 123, Princes Street, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
17.17.	Cellar, with Walls and Roof.	John Ord Mackenzie, W.S., No. 9, Hill Street, Edinburgh, as sole surviving Trustee of the late John Mackintosh, Surgeon in the Royal Artillery.	- - -	James Jamieson, Bookbinder, Society, Edinburgh.
18.18.18. 18.18.18. 18.	Bleaching Green, with Boundary and Division Walls & Stairs.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esq., Advocate, No. 40Drummond Place, Edinburgh.	- - -	Mrs. Berry; Robert Berry, Builder, No. 24, Society; Alexander Berry, Builder, No. 22, Society; Rev. James Wright, No. 12, Argyle Square, Edinburgh; Rev. Thomas Hardie, Wester Foulis, Crieff; Rev. James Gardner, M.D., No. 9, Argyle Square, Edinburgh.
19.19.19. 19.19.	City Wall.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh.	———	———
20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.	Streets, Paved Ways, Road Ways, and Passages.	The same, and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh; the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.

The Lord Provost, Magistrates, and Council of the City of Edinburgh, and the said Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh, Miss Agnes Broun, also residing there, and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh, are the reputed Superiors of the Properties above described.

The Owners of Nos. 1 to 9 inclusive have a reputed Right of Servitude over the Pleasure Ground, No. 10.

CAP. CXVIII.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), *relating to the Districts of* Nottingham, Sunderland, Hastings, Reading, Chatham, Dartmouth, Tunbridge Wells, Sheerness, Sandgate, Wilton, Bridgnorth, *and* Dorchester.—[28*th* August 1860.]

CAP. CXIX.

An Act to amend the Law relating to Weights and Measures in Ireland.—[28*th* August 1860.]

CAP. CXX.

An Act to amend the Laws relating to the Ballots for the Militia in England, *and to suspend the making of Lists and Ballots for the Militia of the United Kingdom.*—[28*th* August 1860.]

CAP. CXXI.

An Act to amend an Act passed in the Sixth Year of Her Majesty Queen Victoria, *intituled* An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of *Africa* and in the *Falkland Islands.*—[28*th* August 1860.]

CAP. CXXII.

An Act to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act Ninth George *the Fourth, Chapter Thirty-one, Section Eight.*—[28*th* August 1860.]

CAP. CXXIII.

An Act to amend the Laws relating to the Government of the Navy.—[28*th* August 1860.]

CAP. CXXIV.

An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in England.—[28*th* August 1860.]

CAP. CXXV.

An Act for better regulating the Supply of Gas to the Metropolis.—[28*th* August 1860.]

CAP. CXXVI.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster.—[28*th* August 1860.]

§ XLVI. Nothing in this Act shall extend to *Ireland* or *Scotland*.

CAP. CXXVII.

An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers. —[28*th* August 1860.]

§ XV. Every Person who has been admitted and enrolled as a Writer to the Signet, or as a Solicitor in the Supreme Courts of *Scotland*, or as a Procurator before any of the Sheriff Courts of *Scotland*, and who, after being so admitted and enrolled, has been bound by and has duly served under Articles of Clerkship in *England* or *Wales* to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney and Solicitor; and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor in the proper Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term.

§ XXXV. This Act shall only extend to *England* and *Wales*, save as herein otherwise expressly provided.

CAP. CXXVIII.

An Act to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners, by General Rules and Orders of the Court.—[28*th* August 1860.]

CAP. CXXIX.

An Act to grant Excise Duties on British *Spirits and on Spirits imported from the* Channel Islands.—[28*th* August 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved

resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duty on British Spirits.

Duty charged on British Spirits.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof, which on or after the several Days respectively herein-after mentioned were or shall be distilled within the United Kingdom, or which, having been distilled within the United Kingdom, were on the said several Days respectively in the Stock or Possession of any Distiller, or in any Duty-free Warehouse, or removing to such Warehouse, and were or shall be on or after the said several Days respectively taken out for Consumption within the United Kingdom, the several and respective Duties following; that is to say,

On and after the Twenty-ninth Day of *February* One thousand eight hundred and sixty, the Duty of Eight Shillings and One Penny;

And on and after the Seventeenth Day of *July* One thousand eight hundred and sixty, the Duty of Ten Shillings:

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity, in lieu of all other Duties of Excise now chargeable on such Spirits.

Duties on Channel Islands Spirits.

Duties on Channel Islands Spirits.

II. In lieu of the Duties of Excise now chargeable on Spirits manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, and imported into the United Kingdom, there shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, on and after the respective Days herein-after mentioned, for and upon every Gallon of the Strength of Hydrometer Proof of all Spirits of the Nature or Quality of plain *British* Spirits manufactured or distilled in the said Islands respectively, and imported therefrom into the United Kingdom, the several and respective countervailing Duties of Excise following; that is to say,

On and after the Twenty-eighth Day of *March* One thousand

sand eight hundred and sixty, the Duty of Eight Shillings and Sixpence;

And on and after the Seventeenth Day of *July* One thousand eight hundred and sixty, the Duty of Ten Shillings and Fivepence:

And so in proportion for any greater or less Degree of Strength or any greater or less Quantity:

All which said last-mentioned Duties shall be levied and collected by the Officers of Customs under the Direction of the Commissioners of Customs, who shall cause a separate Account to be kept and to be furnished to the Commissioners of Inland Revenue of all such Duties collected and received, and the Amount thereof shall from Time to Time be paid over to the Account of the Receiver General of Inland Revenue at the Bank of *England*, and shall be dealt with and applied in the same Manner as other Monies arising from Duties of Inland Revenue; and all such Spirits imported from any of the said Islands shall be subject to the same Laws and Regulations as Spirits imported from Foreign Parts, and shall be dealt with by the Commissioners and Officers of Customs in all respects as if the same had been so imported under the Laws relating to the Customs.

Spirits of the Nature of plain British Spirits only to be imported from the Channel Islands.

III. No Spirits other than Spirits of the Nature or Quality of plain *British* Spirits, as the same are respectively denominated and described in the Laws of Excise, the Produce or Manufacture of any of the said Islands, shall be imported into any Part of the United Kingdom, on pain of the Forfeiture thereof, and of all Casks or other Packages, and of the Vessel or Boat used in the Removal or Importation thereof, which may be seized by any Officer of Customs or Excise; and every Person who shall import or be concerned in the Importation of any Spirits contrary hereto shall incur the Penalty of One hundred Pounds; and every such Penalty and Forfeiture respectively may be sued for, recovered, and applied as any other Penalty or Forfeiture under any of the Laws of the Customs or Excise.

Allowances.

Allowances granted to Distillers and Rectifiers on Spirits exported.

IV. In consideration of the Loss and Hindrance caused by Excise Regulations in the Distillation and Rectification of Spirits in the United Kingdom, there shall be paid to any Distiller or Proprietor of such Spirits on the Exportation thereof from a Duty-free Warehouse or on depositing the same in a Customs Warehouse, on or after the Fifth Day of *March* One thousand eight hundred and sixty, the Allowance of Twopence

pence *per* Gallon computed at Hydrometer Proof, and to any licensed Rectifier who on or after the said last-mentioned Day has or shall have deposited in a Customs Warehouse Spirits distilled and rectified in the United Kingdom the following Allowances; (that is to say,) on rectified Spirits of the Nature of *British* Compounds not exceeding Eleven Degrees over Proof as ascertained by *Sykes's* Hydrometer an Allowance of Threepence *per* Gallon, and on Spirits of the Nature of Spirits of Wine an Allowance of Twopence *per* Gallon, such Gallons being computed respectively at Hydrometer Proof.

Duties, &c. to be under the management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

V. The said several Duties and Allowances by this Act imposed and granted respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, and allowed respectively by the Ways, Means, and Methods provided by the several Acts in force relating to the Duties of Excise; and all such last-mentioned Acts, and all Fines, Forfeitures, and Penalties for any Offence against or in breach of any Act in force in relation to Duties of Excise, and the several Clauses, Provisions, Powers, and Directions contained in any such Act, shall (except as the same are altered, repealed, or superseded by the express Provisions of this Act) extend to and shall respectively be applied, practised, and put in execution for and in respect of the said Duties and Allowances hereby imposed and granted respectively, in as full and ample a Manner to all Intents and Purposes as if the same respectively had been repeated and re-enacted in this Act with reference to the said Duties and Allowances respectively.

Where Contracts have been made, additional Duties to be added to the Price of the Articles contractedfor.

VI. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

CAP. CXXX.

An Act to enable the Secretary of State in Council of India *to raise Money in the United Kingdom for the Service of the Government of* India.—[28*th* August 1860.]

CAP. CXXXI.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty, and to appropriate the Supplies granted in this Session of Parliament.—[28*th* August 1860.]

CAP. CXXXII.

An Act for raising the Sum of Two million Pounds by Exchequer Bonds or Exchequer Bills for the Service of the Year One thousand eight hundred and Sixty.—[28*th* August 1860.]

CAP. CXXXIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland ; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia ; and to authorize the Employment of the Non-commissioned Officers.*—[28*th* August 1860.]

CAP. CXXXIV.

An Act to amend the Law regarding Roman Catholic Charities.—[28*th* August 1860.]

§ X. This Act shall be confined in its operation to *England* and *Wales*.

CAP. CXXXV.

An Act for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations.—[28*th* August 1860.]

CAP. CXXXVI.

An Act to amend the Law relating to the Administration of Endowed Charities.—[28*th* August 1860.] (England.)

CAP. CXXXVII.

An Act to make further Provision with respect to Monies received from Savings Banks and Friendly Societies.—[28*th* August 1860.]

WHEREAS by the Acts now in force relating to Savings Banks and Friendly Societies various Provisions are enacted for regulating the Mode of investing the Monies received and to be received by the Commissioners for the Reduction of the National Debt from Savings Banks and Friendly Societies: And whereas it is expedient to make further Provision for the investing of such Monies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Powers now vested in Commissioners to extend to Parliamentary Securities, &c.

I. The Powers now vested in the Commissioners for the Reduction of the National Debt in respect of all Monies remitted to them on account of Savings Banks and Friendly Societies shall extend to Parliamentary Securities, of whatsoever Kind, created or issued, or which may hereafter be created or issued, under the Authority of any Act or Acts of Parliament, for the Interest on which Provision is made by Parliament, and to any Stock or Debentures or other Securities expressly guaranteed by Authority of Parliament.

Annual Report to be laid

II. The Commissioners for the Reduction of the National Debt shall at the End of every Year report to the Commissioners of

before Parliament.

of Her Majesty's Treasury, setting forth in Detail the whole of the several Transactions which shall have taken place during the Course of the Year in the Investment of all Monies coming into their Hands for Savings Banks and Friendly Societies, and of all the Variations, if any, which may have taken place during such Year in the Securities held by the said Commissioners for those Institutions, and Copies of such Reports shall be laid before both Houses of Parliament not later than the Fifteenth Day of *February*, if Parliament shall be then sitting, and if not then sitting then within Ten Days after the next re-assembling of Parliament.

CAP. CXXXVIII.

An Act to continue and amend the Peace Preservation (Ireland) *Act* (1856).—[28*th* August 1860.]

CAP. CXXXIX.

An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.—[28*th* August 1860.]

9 & 10 W. 3. c. 7.

5 G. 2. c. 12. (I.)

12 G. 3. c. 61.

WHEREAS an Act was passed in the Session holden in the Ninth and Tenth Years of King *William* the Third, Chapter Seven, to prevent the throwing or firing of Squibs, Serpents, and other Fireworks; and a like Act was passed by the Parliament of *Ireland* in the Fifth Year of King *George* the Second, Chapter Twelve; and an Act was passed in the Twelfth Year of King *George* the Third, Chapter Sixty-one, to regulate the making, keeping, and Carriage of Gunpowder; and it is expedient to amend the Law concerning the making, keeping, and Carriage of Gunpowder, and to regulate the making and keeping of other Compositions of an explosive Nature, and to amend the Law concerning the Manufacture, Sale, and Use of Fireworks: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

I. This

Commencement of Act, and Repeal of 9 & 10 W. 3. c. 7., 5 G. 2. c. 12. (I.), and 12 G. 3. c. 61.

I. This Act shall (except where herein otherwise expressly provided) take effect from and after the Thirty-first Day of *August* One thousand eight hundred and sixty-one, and from and after that Day the said Acts of the Ninth and Tenth Years of King *William* the Third, the Fifth Year of King *George* the Second, and the Twelfth Year of King *George* the Third shall be repealed, except as to any Offence theretofore committed against the same, and any Penalty theretofore incurred, which Offence shall be dealt with and punished and such Penalty recovered as if this Act had not been passed.

Regulations as to making and keeping of Gunpowder.

II. The following Regulations shall be observed with regard to the Manufacture and keeping of Gunpowder; (that is to say,)

No such Manufacture shall be carried on except in Mills and other Places lawfully used for such Manufacture at the Time of the Commencement of this Act, or in Places licensed for that Purpose as hereinafter mentioned:

The Quantity of Gunpowder or Materials to be made into Gunpowder to be at One Time under any single Pair of Mill Stones, or Rollers, or Runners, shall not exceed Fifty Pounds as respects Sporting and Government Powder, and Sixty Pounds as respects all inferior Powders, and every Incorporating Mill or Group of Incorporating Mills shall be provided with a Charge House for the Store of Mill Charges properly constructed of Stone or Brick, and situate at a safe and suitable Distance from each Incorporating Mill or Group of Incorporating Mills:

The Quantity of Gunpowder to be subjected to Pressure at One Time in any Presshouse shall not exceed Ten Hundredweight:

The Quantity of Gunpowder to be corned or granulated at One Time in any Corning or Granulating House shall not exceed Twelve Hundredweight:

The Quantity of Gunpowder to be dried at One Time in One Stove or Place used for the drying of Gunpowder shall not exceed Fifty Hundredweight:

The respective Quantities to be at any One Time in any Presshouse, or Corning or Granulating House, shall not exceed Twice the respective Quantities hereby allowed to be subjected to Pressure, and to be corned or granulated at One Time; and the Quantity to be at any One Time in any Drying House or Dusting House shall not be more than is necessary for the immediate Supply and Work of such House; and for the Purposes of this Provision any Building used with any such Presshouse, Corning or Granulating House, Drying House, or Dusting House, shall be deemed Part thereof, save only Magazines constructed

structed with Stone or Brick, and situate Forty Yards at least from every such Presshouse or other House as aforesaid (herein-after distinguished as Expense Magazines), and save only the Stove in which the Powder which has been dried may be cooling:

Every Person keeping or using any Mill for the making of Gunpowder shall have (in addition to the Expense Magazines) a good and sufficient Magazine or Magazines at least One hundred and forty Yards distant from the Mill or Mills and every Presshouse and other House or Place used for or in the making of Gunpowder, for the receiving and safely keeping of all Gunpowder made at such Mill or Mills, as soon as such Gunpowder can from Time to Time be conveniently removed to such Magazine or Magazines, such Magazine or Magazines to be well and substantially built with Brick or Stone, and situate in such Place as may have been lawfully used or duly licensed by Justices before the Commencement of this Act or may be licensed as herein-after mentioned, which Magazine or Magazines is and are hereinafter distinguished as a Store Magazine or Magazines:

Every Maker of Gunpowder shall with all due Diligence cause all finished Gunpowder made at his Mill or Mills to be removed accordingly from such Mill or Mills and the other Places used by him for or in the Manufacture of Gunpowder, or any Magazines or Storehouses used therewith, to the said Store Magazine or Magazines required by this Enactment to be distant One hundred and forty Yards as aforesaid:

Every Maker of Gunpowder shall cause to be erected or provided good and sufficient Thunder Rods or Lightning Conductors in connexion with every Store Magazine where Gunpowder is kept by him, for the Protection of such Magazine from the effects of Lightning.

Power to Secretary of State, on Application, and sufficient Cause shown, to sanction the Continuance or Construction of any Magazine within the prescribed Distance.

III. Provided always, That at any Time after the passing of this Act it shall be competent to the Owner or Lessee or Occupier of any Expense Magazine or any Store Magazine which shall have been erected before the Commencement of this Act, and shall be situate within the prescribed Distance of Forty Yards or One hundred and forty Yards, and also to any Owner, Lessee, or Occupier of any Mill or other Place lawfully used for the Manufacture of Gunpowder before the Commencement of this Act, who is desirous to construct any Expense Magazine or Store Magazine in or in connexion with such Mill or other Place within such prescribed Distance, to present a Memorial to One of Her Majesty's Principal Secretaries of State, setting forth

forth that it is not necessary or required for the Public Safety, or that from the Nature of the Ground or other sufficient Causes it is not practicable or expedient, to remove such Magazine to the prescribed Distance, or to erect such intended Magazine at or beyond such prescribed Distance, and thereupon the said Secretary of State shall refer the Matter of such Memorial to such Person as he may think fit, to report thereon, and such Person shall as soon as practicable thereafter examine the Magazine or the Site of the intended Magazine to which the Memorial refers, and the surrounding Ground, and shall make a Report in Writing thereon to the said Secretary of State, who shall transmit a Copy thereof to the Applicant; and if on Consideration of the whole Matter, and any Observations and Explanations thereupon by the Applicant, and on such further Information, if any, as the said Secretary of State may require, he shall be satisfied that it is not necessary for the Public Safety, or is impracticable or inexpedient, to remove such Magazine to or beyond the prescribed Distance, or to erect the intended Magazine at or beyond the prescribed Distance, and shall approve the Site proposed for the same, he shall certify the same in Writing under his Hand, and deliver such Certificate to the said Owner, Lessee, or Occupier, and thereupon the Magazine to which such Certificate applies, or a Magazine erected on the Site so approved (as the Case may be), shall for all Purposes be deemed to be at the prescribed Distance; and if the said Secretary of State shall not be satisfied that any existing Magazine to which the Memorial refers ought to remain, he shall by Writing under his Hand order the said Magazine to be removed within a Period to be therein limited, and such Order shall be notified to the Applicant or to the Occupier of the Magazine to which the Order relates: Provided also, that the Use and the Continuance of any Magazine as to which such Application is made to the said Secretary of State shall be deemed to be lawful during the Pendency of such Application, and until the Expiration of the Time mentioned in the Order for its Removal.

Penalties for making and keeping Gunpowder contrary to this Act.

IV. All Gunpowder made in any Place where under this Act it is not lawful to make Gunpowder, and all Gunpowder in any Mill, Presshouse, Corning House, Drying House, Dusting House, or other Place, exceeding the Quantity which for the Time being may lawfully be therein, shall be forfeited; and every Person making or causing to be made any Gunpowder contrary to this Act, or keeping or causing to be kept in any such Mill or Place any Gunpowder contrary to the Provisions hereinbefore contained, shall for so doing, in addition to such Forfeiture as aforesaid, forfeit for every such Offence any Sum not

not exceeding Two Shillings for every Pound of Gunpowder so forfeited:

Every Person making Gunpowder without having such Store Magazine or Magazines One hundred and forty Yards distant from any Mill and every other place used by him for or in the Manufacture of Gunpowder, shall forfeit any Sum not exceeding Twenty-five Pounds for every Month during which such Person makes Gunpowder without having such Magazine or Magazines:

And every Person making Gunpowder who wilfully neglects or delays removing with due Diligence the finished Gunpowder made at his Mill or Mills and the other Places used by him for or in the Manufacture of Gunpowder from thence or from the Magazines or Storehouses used therewith to the Store Magazine or Magazines distant as aforesaid, shall forfeit for every Day during which such Offence continues any Sum not exceeding Five Pounds.

No Charcoal to be kept within Twenty Yards of any Mill, &c.

V. No Maker of Gunpowder shall keep or permit to be kept any Charcoal within Twenty Yards of any Mill or other Engine for making Gunpowder, or of any Presshouse, or Drying, Corning, or Dusting House, or other Place used in or for the making of Gunpowder, or any Magazine or Storehouse thereto belonging; and any Maker of Gunpowder who acts contrary to this Enactment shall forfeit any Sum not exceeding Five Pounds, or, where such Charcoal is so kept for a longer Period than a Week, any Sum not exceeding Five Pounds for every Week during which such Charcoal is so kept.

Regulations as to the making of loaded Percussion Caps and the making and keeping of Ammunition, &c.

VI. The following Regulations shall be observed with regard to the Manufacture of loaded Percussion Caps, and the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature; (that is to say,)

No such Manufacture shall be carried on without such Licence for that Purpose as herein-after mentioned, or within the respective Distances herein-after mentioned, and set opposite to the Descriptions of the respective Articles; (that is to say,)

Percussion Caps . .	50 Yards,
Ammunition . . .	100 Yards,
Fireworks . . .	50 Yards,
Fulminating Mercury or other Preparation or Composition of equally explosive Power	100 Yards,

from any Dwelling House or any Building in which Persons not connected with the same Manufacture are employed:

No such Articles as aforesaid, except Percussion Caps, exceeding

ceeding the respective Quantities herein-after mentioned and set opposite to the Descriptions of the respective Articles, (that is to say,)

Ammunition containing	Five Pounds of Gunpowder,
Fireworks containing	Ten Pounds of explosive Compound,
Fulminating Mercury or other Preparation or Composition of equally explosive Power	1 oz. dry, or 8 oz. mixed with 25 *per Cent.* of Water,

shall be kept in any Place not licensed for that Purpose as herein-after mentioned, and no such Articles shall be kept in any Place so licensed in excess of the respective Quantities specified in the Licence in that Behalf:

The Operation of mixing the Composition for Percussion Caps shall be performed in a Building situate at a Distance not less than Twenty Yards from any other Workshop, and no greater Quantity than Five Pounds of Cap Composition shall at any One Time be in the Building where the Operation of mixing is performed:

No Fulminating Mercury, except that which is being used in the actual Preparation of the Cap Composition, shall be kept in any Building where the Operation of preparing such Composition is performed, without being mixed with at least Twenty *per Cent.* of Water:

The Operation of loading Percussion Caps shall be performed in a Building where no other explosive Material than that employed in loading Percussion Caps is used or kept, and no greater Quantity than Twenty-four Ounces of Cap Composition shall at any One Time be in the Building where the Operation of loading is performed:

The Operation of filling or charging Cartridges shall be performed in a Building situate at a Distance not less than Twenty Yards from the other Workshops connected with the Manufacture; and no greater Quantity than Fifty Pounds of Gunpowder, either loose or made up into Cartridges, or what is equivalent, as regards explosive Power, to Fifty Pounds of Gunpowder, (if other explosive Materials be used,) shall at any One Time be in any Workshop connected with the Manufacture:

The Operation of charging or filling Fireworks with explosive Materials shall be performed in a Building situate at a Distance not less than Twenty Yards from the other Workshops connected with the Manufacture; and no greater Quantity of the ordinary explosive Composition used in the Manufacture of Fireworks than Thirty Pounds, whether loose or made up, or what is equivalent, as regards explosive

sive Power, to Thirty Pounds of the ordinary Gunpowder, shall at any One Time be in any Building where the Operation of filling or charging is performed:

The Manufacture of such Fireworks as contain Detonating Composition, or Composition which is more easily ignited by Percussion or Friction than ordinary Gunpowder, shall be conducted in a Building or Buildings situate at a Distance not less than Thirty Yards from the other Workshops, and no greater Quantity than Ten Pounds of such Composition shall at any One Time be in any Building:

Every Person keeping or using any Factory for the making of Ammunition or Fireworks shall have, at a Distance of not less than Fifty Yards from any Workshop connected with the Manufacture, a Magazine or Magazines, built with Brick or Stone, for the receiving and safely keeping the Gunpowder or other explosive Materials used in the Manufacture, and the Cartridges or Fireworks (as the Case may be) made at such Factory.

Penalties for making loaded Percussion Caps, or making or keeping Ammunition, &c., contrary to this Act.

VII. All loaded Percussion Caps made, and all Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparations or Compositions made or kept, in any Place where under this Act it is not lawful to make Percussion Caps, or to make or (as the Case may be) keep Ammunition, Fireworks, Fulminating Mercury or other explosive Preparations or Compositions, and any Quantity of Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition kept in any Place where under this Act it may be lawful to keep such Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition, exceeding the Quantity which may be lawfully kept there, shall be forfeited; and every Person making or causing to be made Percussion Caps, or making or keeping or causing to be made or kept Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition, contrary to this Act, shall for so doing, in addition to such Forfeiture as aforesaid, forfeit for every such Offence any Sum not exceeding Ten Pounds.

No person to sell Fireworks without a Licence.

VIII. It shall not be lawful for any person to sell or offer or expose to Sale any Firework without such Licence for that Purpose as herein-after mentioned, and no such Firework shall be sold to any Person apparently under Sixteen Years of Age, and any Person offending against this Enactment shall for every Offence forfeit any Sum not exceeding Five Pounds.

Penalty for throwing Fireworks in Thoroughfares.

IX. If any Person throw, cast, or fire, or aid or assist in throwing, casting, or firing, any Squib, Serpent, Rocket, or other Firework in or into any Thoroughfare or public Place, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

X. It

X. It shall be lawful for the Justices of the Peace for each County or other Division, at their General Quarter Sessions, upon Application made to them by any Person, from Time to Time to license the erecting or having new Mills for making Gunpowder, with proper Presshouses and other Houses and Places to be used for or in the making of Gunpowder, and Magazines near thereto, and also the erecting or having Magazines for keeping unlimited Quantities of Gunpowder in such respective Places, not being within *London* or *Westminster*, or any other Limits herein-after described, as may appear to them proper. Justices to license Places for making and keeping Gunpowder.

XI. It shall be lawful for the Justices of the Peace for each County or other Division, at their General Quarter Sessions, or for the Council of any Borough, upon Application made to them by any Person, from Time to Time to license Places for the making of loaded Percussion Caps, and for the making and keeping respectively of Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparations or Compositions, and to determine the Quantities of such Articles respectively to be kept in any Place so licensed, and to grant Licences to Persons to sell Fireworks. Justices to license Places for making loaded Percussion Caps and making and keeping Ammunition, &c.

XII. Provided always, That every Person making any Application for any such Licence as aforesaid shall give Notice in Writing of the Intention to make the same, as also of the Place or Places proposed for the Purposes aforesaid respectively, Fourteen Days before making it, as herein-after mentioned; (that is to say,) such Notice shall be given, where Application is made in *England*, to an Overseer or Churchwarden of the Parish or Place in which it is proposed to erect or make any such new Mill, with such Houses and Places as aforesaid, or any such Magazine, or to make or use any Building or Place for any of the Purposes aforesaid, or of an adjoining Parish, if the Place be extra-parochial, and have no Overseer; and where the Application is made in *Scotland*, to the Schoolmaster of the Parish, or if there be no such Schoolmaster, to the Session Clerk; and where the Application is made in *Ireland*, to the Clerk of the Union within which the Parish is included; and such Applicant shall also in every such Case cause the like Notice to be affixed on the Outside of the Door or of the Wall near the Door of every Church and Chapel in such Parish or Place, (including Places of Public Worship not belonging to the Established Church,) previously to the Commencement of Divine Service on a *Sunday* Ten Days at least before the making of such Application. Notice of Intention to apply for Licence.

XIII. The Justices licensing the erecting or having of any new Mills and other Places to be used for or in making Gunpowder, Justices may make

Licences conditional on Precautions prescribed by them for preventing Danger being observed.

powder, or any Magazine near thereto, or any Magazine for keeping unlimited Quantities of Gunpowder, and the Justices or Council licensing any Place for the making of loaded Percussion Caps, or for the making or keeping of Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition, may, if they see fit, grant their Licence conditionally upon such precautionary Measures being taken and maintained with regard to the structural Arrangements of every such Mill, Magazine, or Place, the Erection of Mounds or Screens to separate the same from any inhabited House, and otherwise, as they may deem proper for diminishing the Risk of Danger to Life by Explosions.

In case of Refusal of Licence, the Applicant may memorialize Secretary of State, who shall have Power, notwithstanding such Refusal, to grant the Licence.

XIV. If, on any Application for the licensing of any new Mill or other Place to be used for or in making Gunpowder, or any Magazine near thereto, or any Magazine for keeping unlimited Quantities of Gunpowder, the Justices shall refuse the Licence, or grant the same only on Conditions with which the Applicant shall be dissatisfied, they shall, if so required by the Applicant, certify such Refusal or Conditions, and the Grounds thereof, in Writing, to be signed by the Chairman presiding at the Hearing, and shall deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, together with a Memorial praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as shall be set forth in such Memorial; and it shall be lawful for the said Secretary of State, if he shall so think fit, on consideration of such Memorial and Certificate, and if he shall think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely or with such Conditions as he shall think fit, or to alter or modify the Conditions imposed by the Justices; and the Licence so granted, or altered and modified, as the Case may be, certified under the Hand of the said Secretary of State, shall be to all Intents as valid and effectual as if made and granted by the said Justices.

Owners of Mills may make Rules for their Servants and Workmen for preventing Accidents.

XV. It shall be lawful for the Owner or Occupier of any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or loaded Percussion Caps are manufactured, from Time to Time to make such Rules as he may think fit for the Purpose of regulating the Conduct of his Servants and Workmen employed in such Mill, Magazine, or Place, so as to prevent as far as may be Accidents by Explosion, and from Time to Time to alter or rescind

rescind any such Rules, and make others, provided such Rules be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this Act; and such Rules shall be signed by such Owner or Occupier, and a Copy thereof shall be given to every Servant or Workman employed in such Mill, Magazine, or Place, who may be affected thereby, and shall be affixed in the Mill, Magazine, or Place to which the same relate.

Penalty for doing any Act in any Mill, &c. tending to cause Explosion.

XVI. Any Servant or Workman of any Owner or Occupier of any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or loaded Percussion Caps are manufactured, who violates the Rules made as aforesaid, and any such Servant or Workman, or any other Person who does or attempts to do any Act in, to, or about such Mill, Magazine, or Place tending to cause Explosion, or who brings into such Mill, Magazine, or Place any Thing tending to cause Explosion, shall for every such Offence be subject to a Penalty not exceeding Five Pounds, on summary Conviction before any Justice of the Peace, or in *Scotland* before any Sheriff, Justice of the Peace, or Magistrate; and any such Servant or Workman as aforesaid, or other Person so acting, may be apprehended without a Warrant by any Peace Officer or other Officer of the Law, or the Owner or Occupier of such Mill, Magazine, or Place, or his Servant, or by any other Person authorized by such Owner or Occupier, or his Agent or Manager, and removed from the Mill or other Premises, and may be conveyed with all convenient Despatch before some Justice, or in *Scotland* before any Sheriff, Justice, or Magistrate, and such Justice, Sheriff, or Magistrate, shall proceed with all convenient Despatch to the hearing and determining of the Complaint against the Offender.

Secretary of State may authorize Persons to inspect Mills, &c.

XVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State to authorize, from Time to Time, such Person as he may see fit to inspect and examine any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or supposed to be manufactured or kept, or loaded Percussion Caps are made or supposed so to be, in order to see whether or not the Regulations of this Act concerning the Manufacture and keeping of Gunpowder, and such other Matters as aforesaid, and concerning the making of loaded Percussion Caps, are complied with, and to report to such Secretary of State thereon; and every Person so authorized shall have authority to enter, inspect, and examine any such Mill, Magazine, or Place, at all reasonable Times in the Daytime, without any previous Notice

for that Purpose, and the Owner or Occupier of every such Mill, Magazine, or Place is hereby required to furnish the Means necessary for such Entry, Inspection, and Examination:

Any Owner or Occupier of any Mill, Magazine, or Place which any such Person authorized by the Secretary of State is empowered to enter, inspect, and examine, who refuses or neglects to furnish to such Person the Means necessary for making his Entry, Inspection, and Examination, and every Person who wilfully obstructs any such Person in the Execution of his Powers, shall for every such Offence forfeit Five Pounds.

Limitation of Quantities of Gunpowder to be kept by Persons other than Manufacturers.

XVIII. No Person shall have or keep at One Time, being a Dealer in Gunpowder, or Manufacturer of Cartridges, Fireworks, or Rockets, more than Two hundred Pounds of Gunpowder, and, not being such Dealer or Manufacturer, more than Fifty Pounds of Gunpowder, in any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building or Place, (and for the Purposes of this Enactment all Buildings and places adjoining to each other, and occupied together, shall be deemed One House or Place,) or on any River or other Water, (except in Carriages loading or unloading or passing on the Land, or in Ships, Boats, or Vessels, loading or unloading, or passing on any River or other Water, or detained there by the Tide or bad Weather,) within the following Limits, being the Limits within which Gunpowder Mills or Magazines may not be licensed under this Act: that is to say, within the City of *London* or *Westminster*, or within Three Miles of either of them; or within any Borough or Market Town, or One Mile of the same; or within Two Miles of any Palace or House of Residence of Her Majesty, Her Heirs or Successors; or within Two Miles of any Gunpowder Magazine belonging to the Crown; or within Half a Mile of any Parish Church; or in any Place beyond the Limits aforesaid, except in Mills or other Places which at the Commencement of this Act shall be lawfully used for the making of Gunpowder, and the Magazines, Storehouses, and Offices near and belonging thereto, and in the Magazines in which greater or unlimited Quantities of Gunpowder may be lawfully kept at the Commencement of this Act, and in the Places where it shall be lawful to make Gunpowder, or to keep greater or unlimited Quantities of Gunpowder, under the Provisions of this Act; and all Gunpowder kept beyond the Quantity hereby allowed, and the Barrels or Receptacles in which such Gunpowder shall be kept, shall be forfeited, and any Person keeping the same shall for every such Offence forfeit not exceeding Two Shillings for every Pound of Gunpowder kept beyond the allowed Quantity.

XIX. It

XIX. It shall be lawful for any Person to keep, exclusively for the Use of any Mine, Quarry, or Colliery, any Quantity of Gunpowder not exceeding Three hundred Pounds Weight at any One Time in any Magazine or Warehouse, so as such Magazine or Warehouse be within Two hundred Yards of such Mine, Quarry, or Colliery, and (unless erected and used for this Purpose before the passing of this Act) be not within Two hundred Yards from any inhabited House, without the Consent in Writing of the Occupier of such House; and it shall be also lawful for any Person to keep, exclusively for the Use of One or more Mine, Quarry, or Colliery, Mines, Quarries or Collieries, any greater Quantity of Gunpowder not exceeding Four thousand Pounds at any One Time in any Magazine, so as such Magazine be well and substantially built of Brick or Stone, and, save where continued or erected under a Certificate of the Secretary of State as herein-after mentioned, be within Two hundred Yards of the respective Mine, Quarry, or Colliery, or One of the Mines, Quarries, or Collieries, for the Use of which such Gunpowder is kept, and not within any of the Limits herein-before particularly described, and not within Two hundred Yards from any Inhabited House, without the Consent in Writing of the Occupier of such House: Provided always, that the Owners, Lessees, or Occupiers of any Mine, Quarry, or Colliery, having for the Use thereof a Magazine not situated as prescribed by this Enactment, or being desirous of Erecting a Magazine not so situated, may make Application by Memorial to One of Her Majesty's Principal Secretaries of State, in the like Manner and for the like Causes as herein-before provided in relation to the Continuance or Erection of an Expense Magazine or Store Magazine within the prescribed Distance, and the Secretary of State may, by his Certificate, authorize the Continuance or Erection of the Magazine to which the Application relates, either absolutely or conditionally on such precautionary Measures being taken and maintained as he may deem proper.

Gunpowder may be kept for Mines, under certain Conditions.

XX. No Person shall have or convey at One Time more than Thirty Barrels of Gunpowder in any Waggon, Cart, or other Carriage by Land, except in a Van specially constructed for that Purpose, enclosed on every Side with Wood, and then not more than Forty Barrels, and unless such Carriage form Part of a Railway Train, and then not more than One hundred Barrels in any Carriage forming Part of such Train; and no Person shall have or convey at One Time, within the United Kingdom, more than Five hundred Barrels of Gunpowder in any Barge, Boat, or other Vessel by Water, except in Vessels with Gunpowder imported from or to be exported to any Place beyond the

Not more than Thirty Barrels by Land, and Five hundred by Water, to be conveyed at One Time.

the Sea, or going Coastwise; and all Gunpowder conveyed on Land or Water (except in such Vessels for Importation or Exportation of Gunpowder, or going Coastwise,) shall be in Barrels, close joined and hooped, or in Copper, Zinc, or Tin Cases or Canisters, enclosed in Wooden Boxes or Barrels, without any Iron about such Boxes or Barrels, and so secured that no Part of the Gunpowder be scattered in the Passage; and each Barrel shall contain no more than One hundred Pounds of Gunpowder; and every Carriage in which Gunpowder shall be conveyed by Land shall have a complete Covering of Wood, Painted Cloth, Tarpaulin, or Wadmill Tilts, over all the Gunpowder therein contained; and no Gunpowder shall be conveyed by Water in any Barge, Boat, or other Vessel not having a close Deck (except in Vessels with Gunpowder imported or to be exported in manner aforesaid, or going Coastwise); and as soon as any Gunpowder is put on board such Vessel, all such Gunpowder shall be covered with raw Hides or Tarpaulins; and where any Gunpowder conveyed by Land or Water is contained in any Receptacles hereby authorized other than Barrels, no greater Quantity shall be so conveyed than shall be equivalent to what might lawfully have been so conveyed if the same had been contained in Barrels:

And all Gunpowder which shall be carried or conveyed (except in such Vessels with Gunpowder for Importation or Exportation as aforesaid or going Coastwise), within any Part of the United Kingdom in greater Quantity or in other Manner than is hereinbefore prescribed, and the Barrels or other Receptacles in which such Gunpowder shall be, may be seized by any Person, who shall have the same Authority to remove such Gunpowder and Barrels, or Receptacles, and to use for that Purpose, during the Space of Twenty-four Hours after Seizure, the Carriage or Vessel in which such Gunpowder shall be seized, and the Tackling, Beasts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Use thereof, and to detain such Gunpowder and Barrels or Receptacles, as is herein-after given to Persons searching under a Warrant of a Justice of the Peace, Sheriff, or Magistrate, and such Seizure shall be for the Use of the Person making the Seizure, on Conviction of the Offender or Offenders.

No Gunpowder to be loaded until that condemned be unloaded.

XXI. When any Barge, Boat, or Vessel, having stale, condemned, or returned Gunpowder on board, arrives at the Quay, Wharf, or other Place where the same is intended to be landed, no Person shall begin to unload, or shall bring down to such Wharf, Quay, or other Place with Intent to load, in such Vessel, any other Gunpowder, until the whole or Part of such stale, condemned, or returned Gunpowder be first unloaded or carried away

away from such Wharf, Quay, or other Place of Landing; and after such unloading and carrying away of Part of such Gunpowder no Person shall begin to load or shall so bring down with Intent to load any greater Quantity of other Gunpowder than the Part unloaded and carried away, on pain of forfeiting all Gunpowder so loaded or brought down contrary to this Enactment.

Penalty for Smoking, &c. on board Vessels loaded with Gunpowder.

XXII. Any Person having the Care or Management of any Barge, Boat, or other Vessel whatsoever (except Ships or Vessels with Gunpowder on board imported from or to be exported to Places beyond Sea, or going Coastwise), loaded with Gunpowder, or any other Person on board the same, who brings, has, or uses, or permits any Person to bring, have, or use, any Charcoal, Lucifer Matches, or other combustible Matter, or any Fire or lighted Candle, during the Time of loading or unloading, or when the Hatches are open, or smokes or wittingly permits any Person to smoke on board such Barge, Boat, or Vessel, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for undue Delay in loading or unloading Gunpowder.

XXIII. No Person having the Care of any Waggon, Cart, or other Carriage used for the Conveyance of Gunpowder by Land shall, after beginning to place or load therein any Quantity of Gunpowder, or beginning to unload the same thereout, stop or stay at any Place of loading, or in the loading or unloading suffer any longer Time to pass than with the Use of all due Diligence shall be reasonably necessary for the Purpose of loading or unloading; and no Person, having the Charge or Care of any Barge, Boat, or other Vessel used for the Conveyance of Gunpowder by Water, (except in the Case of Vessels loading for Importation or Exportation of Gunpowder to or from Places beyond Sea, or going Coastwise,) shall, after beginning to load or unload any Quantity of Gunpowder, stop or stay at any Wharf, Quay, or other Place of loading, or in the loading or unloading thereof suffer any longer Time to pass than with the Use of all due Diligence shall be reasonably necessary for the Purpose of loading or unloading, not exceeding Eighteen Hours, unless hindered by the Weather; and every Person offending against this Enactment shall for each Offence forfeit any Sum not exceeding Ten Pounds.

Foregoing Provisions to extend only to Carriage of more than 100 lbs. of Gunpowder.

XXIV. None of the aforesaid Provisions for or relative to the Conveyance of Gunpowder, or the loading or unloading thereof, shall extend to any other Waggon, Cart, or Land Carriage, or any other Boat, Barge, or Vessel, than such as shall be loaded with or employed in conveying a Quantity of Gunpowder exceeding One hundred Pounds Weight.

XXV. It shall be lawful for any Justice of the Peace, and in

Power to Justices to issue Warrants to search.

in *Scotland* for any Sheriff, Justice of the Peace, or Magistrate, within the Limits of whose Jurisdiction Gunpowder is suspected to be made, kept, or carried, contrary to this Act, on Demand made, and reasonable Cause assigned upon Oath by any Person, to issue a Warrant under his Hand and Seal, or in *Scotland* under his Hand, for searching in the Daytime any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Ship, Boat, or Vessel, in which such Gunpowder is suspected to be made, kept, or carried contrary to this Act: and all Gunpowder found to be made, kept, or carried contrary to this Act, and also the Gunpowder Barrels or other Receptacles, shall be immediately seized by the Searcher, who shall with all convenient Speed after the Seizure remove such Gunpowder, and the Barrels or other Receptacles in which it shall be, to such proper Places as he, in conformity to the Restrictions of this Act, shall think fit, and in the Case of any such Gunpowder seized in any Carriage or Vessel may use for the Purpose of Removal, during the Space of Twenty-four Hours after Seizure, such Carriage or Vessel, with the Tackling, Beasts, and Accoutrements belonging thereto, paying afterwards to the Owner or Owners thereof a sufficient Recompence for the Use thereof, to be settled by the Justices, Sheriff, or Magistrates before whom the Complaint shall be heard, after the Seizure, and in case of Nonpayment immediately after Settlement by such Justices, Sheriff, or Magistrates, to be recoverable as in the Case of pecuniary Penalties under this Act, and may detain such Gunpowder, and the Barrels or other Receptacles in which it shall be, till it shall be adjudged, on a Hearing before Two or more such Justices or Magistrates, or before the Sheriff, whether the same shall be forfeited; and such Searcher or Seizer shall not be liable to any Suit for such Detainer, or for any Loss of or Damage which may happen to the said Gunpowder or Barrels or other Receptacles, other than by his wilful Act or Neglect, or the wilful Act or Neglect of the Persons with whom he shall intrust the keeping thereof: Provided, that where any Gunpowder is seized under this Provision, Proceedings for the Forfeiture thereof shall be commenced within Twenty-eight Days after such Seizure.

Regulations for the Security of the Vessels in the River Thames.

XXVI. No Master or Commander of any Ship or other Vessel lying in the *Thames*, and outward-bound, shall receive or permit to be received on board any such Ship or Vessel more than Twenty-five Pounds of Gunpowder (except for the Queen's Service) before the Arrival of such Ship or Vessel at, over against, or below *Blackwall*, and the Master or Commander of every Ship or Vessel coming into the River *Thames* shall (except in the Case of Gunpowder for the Service of the Crown) put

put on Shore in proper Places, in conformity to the Restrictions of this Act, all the Gunpowder on board such Ship or Vessel above the Quantity of Twenty-five Pounds, either before the Arrival of such Ship or Vessel at *Blackwall*, or within Twenty-four Hours (if the Weather shall permit) after coming to an Anchor there, or to the Place of unloading there, and shall not afterwards have on board more than Twenty-five Pounds of Gunpowder (except for the Service of the Crown), on pain of forfeiting for every Offence in any of the said Cases all the Gunpowder found on board above the Weight of Twenty-five Pounds, and the Barrels or other Receptacles in which such Gunpowder shall be, and also not exceeding Two Shillings for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

Conservators of the River Thames to appoint Searchers.

XXVII. The Conservators of the River *Thames* for the Time being shall from Time to Time appoint One or more of the Harbour Masters of the Port of *London*, or other Person or Persons, a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Vessels in the River *Thames*, which Person or Persons so appointed are hereby authorized, at any Time between Sun-rising and Sun-setting, to enter any Ship or Vessel (except Her Majesty's Ships) in the River *Thames* above *Blackwall*, and to search the same for unlawful Quantities of Gunpowder, and also shall have the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship or Vessel, and the Barrels or other Receptacles in which such Gunpowder shall be, as are herein-before given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice of the Peace.

Forfeitures and Penalties recoverable summarily.

XXVIII. Any Forfeiture or Penalty, or Forfeiture and Penalty, (as the Case may be,) for any Offence against this Act, and not herein otherwise provided for, may be enforced and recovered upon summary Conviction of such Offence before any Two Justices, or in *Scotland* before any Sheriff or any Two Justices or Magistrates; and, save as herein-otherwise provided, one Moiety of every Forfeiture and Penalty for any Offence against this Act, or Violation of any Rules made thereunder, shall belong to Her Majesty, and the other Moiety to the Informer, anything in any Act to the contrary notwithstanding: Provided always, that if the Informer be a Person appointed under this Act by the Secretary of State, or a Servant of the Person informed against, the Moiety of the Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices, Sheriff, or Magistrates in their Discretion think fit: Provided also, that such

such Forfeitures and Penalties, and the Expenses attending the Conviction, may be levied and recovered in *Scotland* by Poinding and Sale, and in default of Payment, or of sufficient Poinding, by Imprisonment for any Period not exceeding Three Months.

The Lord Lieutenant or Chief Secretary in Ireland to have the like Authorities as are before given to the Secretary of State.

XXIX. Where under any of the Provisions herein-before contained Application may be made to One of Her Majesty's Principal Secretaries of State, an Application in relation to the like Matter in *Ireland* may be made, by Memorial, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary; and such Lord Lieutenant or Chief Governor or Governors, or his or their Chief Secretary, shall and may have and exercise in *Ireland*, as well in relation to the Matter of any such Application as for and in relation to the Inspection and Examination of Mills and other Places, the same Authorities and Discretion, and may grant and make Certificates, Licences, and Orders having the like Force and Effect, as herein-before provided in relation to the Secretary of State; and all the Provisions of this Act having reference to the Secretary of State shall, in relation to any Matter arising in *Ireland*, take effect as if the Lord Lieutenant or other Chief Governor or Governors, or his or their Chief Secretary, had been mentioned or referred to instead of such Secretary of State.

Act not to extend to Mills erected on Crown Lands, &c.

XXX. This Act shall not extend to any Mills or other Buildings erected or which may be erected for the Purpose of making Gunpowder on any Lands belonging to or held for the Service of the Crown, or to the keeping of Gunpowder at any Storehouse or Magazine belonging to or held for the Service of the Crown, or to the manufacture, loading, or keeping of Percussion Caps, Ammunition, Fireworks, or any Preparation or Compound of an explosive Nature, in any Place belonging to or held for the Service of the Crown, or to hinder the Trial of Gunpowder by Her Majesty's Officers, as is usual, for the Service of the Crown, or to the keeping of Gunpowder at the Magazines now erected for that Purpose at *Barking Creek's* Mouth in the County of *Essex* and *Erith* Level in the County of *Kent*, or to the keeping of Gunpowder at the Magazines or Storehouses now erected near the City of *Bristol*, or to the keeping of Gunpowder in Vessels moored in the River *Mersey* under the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-seven, or to the Carriage of Gunpowder to or from Magazines belonging to the Crown, under a special and express Order of the Secretary of State for War, such Order to contain the Quantity of Gunpowder so to be carried, and the Time for which such Order shall be in force, or to the Carriage of Gunpowder with Forces on their

their March, or with the Militia or Volunteer Corps during their Exercise, or which shall be sent for the Use of such Forces, Militia, or Volunteer Corps.

Act not to affect 54 G. 3. c. 159. or to Gunpowder, &c. on board Her Majesty's Ships, &c.

XXXI. This Act shall not extend to repeal or alter the Act of the Fifty-fourth Year of *George* Third, Chapter One hundred and fifty-nine, or to Gunpowder, Percussion Caps, or combustible Articles on board any Ship, Vessel, or Boat of Her Majesty or in Her Majesty's Service, or required or kept for the Use of Her Majesty's Navy, Her Majesty's Royal Marine Forces, the Royal Naval Coast Volunteers, the Royal Naval Volunteers, or any Force which is or may be under the Orders or Control of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom.

Saving for Proof Houses under 18 & 19 Vict. c. cxlviii. (*Local.*)

XXXII. This Act shall not extend to prevent the keeping of Gunpowder in the Proof Houses of the Two Companies authorized by "The Gun Barrel Proof Act, 1855," or in Magazines connected with such Proof Houses, provided that the Quantity of Gunpowder kept at the same Time in any One such Proof House, and the Magazine (if any) connected therewith, do not exceed in the whole Five Hundredweight.

Not to extend to hinder unlimited Quantities of Gunpowder being conveyed from Ships below Blackwall.

XXXIII. This Act shall not extend to hinder any Person or Persons from carrying or conveying an unlimited Quantity of Gunpowder, in such close-decked Vessels and Manner as hereinbefore is directed, from any Ships or Vessels lying below *Blackwall*, to any of the Magazines for Gunpowder so situate below *Blackwall*, or from such Magazines to any Ships or Vessels lying below *Blackwall*, and going to any Place beyond Sea or Coastwise, or from the floating Magazines in the River *Mersey* to any Ships or Vessels going to any Place beyond Seas or Coastwise, or from any Ships or Vessels arriving from any Place beyond Seas or Coastwise to the said floating Magazines.

Saving of Enactment for Protection of London Docks.

XXXIV. This Act shall not extend or be construed to repeal or affect the Provisions concerning Gunpowder in and near the *London Docks* in Sections One hundred and thirty-four and One hundred and thirty-five of the Act of the Ninth Year of King *George* the Fourth, Chapter One hundred and sixteen (Local and Personal).

Saving for Provisions of Police Acts.

XXXV. This Act shall not extend or be construed to repeal or affect the Provisions with respect to Gunpowder Magazines, Gunpowder, or Fireworks contained in any General or Local Police Act which may be in force in any Place in the United Kingdom.

2 & 3 Vict. c. 47. and 9 & 10 Vict. c. 25. to be con-

XXXVI. And whereas by an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, "for further improving the Police in and near the Metropolis," every Superintendent or Inspector belonging to

strued as referring to this Act.

the Metropolitan Police Force is empowered as therein mentioned to enter any Ship, Boat, or Vessel except Her Majesty's Ships) in the River *Thames*, and the Docks and Creeks adjacent thereto, and to search the same for unlawful Quantities of Gunpowder, and to exercise the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship, Boat, or Vessel, and the Barrels or other Packages containing such Gunpowder, as are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by virtue of the said Act of the Twelfth Year of King *George* the Third: and by an Act of the Session holden in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Twenty-five, "for preventing "malicious Injuries to Persons and Property by Fire or by ex- "plosive or destructive Substances," any Justice of the Peace is empowered as therein mentioned to issue a Warrant for searching in the Day-time any Place or Vessel in which Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for the Purpose of being used in committing an Offence under that Act; and it is enacted, that every Person acting in the Execution of any such Warrant shall have, for seizing, removing to proper Places, and detaining all Gunpowder, explosive, dangerous, or noxious Substances found upon such Search which he shall have good Cause to suspect to be intended to be used in committing an Offence under that Act, and the Barrels, Packages, and Cases in which the same shall be, the same Powers which are given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice by the said Act of the Twelfth Year of King *George* the Third:

All Powers given by the said Acts of the Second and Third Years and Ninth and Tenth Years of Her Majesty, or by any Act passed or to be passed in this present Session of Parliament, by reference to the said Act of the Twelfth Year of King *George* the Third, shall be construed as if this Act had been referred to in the said Acts of Her Majesty, instead of the said Act of King *George* the Third.

Meaning of the Word "Borough."

XXXVII. In the Construction of this Act the Term "Borough" shall mean and include any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six; and in *Scotland* any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament; and in *Ireland* any Place for the Time being subject to the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight.

CAP. CXL.

CAP. CXL.

An Act for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice.—[28*th* August 1860.]

WHEREAS it is expedient that Facilities should be given for the Acquisition by Rifle Volunteer Corps of fit Ground for Rifle Practice: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited for all Purposes as "The Rifle Volunteer Grounds Act, 1860."

Not to apply to Ireland.

II. This Act shall not apply to *Ireland*.

Definition of Rifle Corps.

III. The Expression "Rifle Volunteer Corps" as herein used shall mean any Rifle Volunteer Corps of which Her Majesty has accepted the Offer of Service, in pursuance of the several Acts of Parliament in that Behalf provided.

Power to purchase Land.

Power for Rifle Corps to purchase Land.

IV. Any Rifle Volunteer Corps may purchase or acquire by such Grants as are herein-after mentioned any Land for Rifle Practice, and for the Erection of Butts and other Accommodations for the Use of the Corps when practising with Rifles, subject to the following Restriction:

That the Assent of Her Majesty's Principal Secretary of State for the War Department for the Time being, herein-after called the said Principal Secretary, shall be obtained to the Purchase of any Land under the Powers of this Act, or to the Grant of any Land by any Person or Body of Persons, in pursuance of the Powers herein-after given.

Vesting of Lands acquired by Rifle Corps.

V. All Lands acquired by any Rifle Volunteer Corps under the Powers and Provisions of this Act shall vest in the Commanding Officer of the Corps for the Time being, and his Successors in Office, with Power for such Officer and his Successors to sue and be sued, to make Contracts, and to do other Things relating to such Land, under the official Name of the Commanding Officer for the Time being of the Corps to which he belongs.

Assent

Assent of Secretary for War.

Mode of obtaining Assent of Secretary for War.

VI. In order to obtain the Assent of the said Principal Secretary to the Purchase of Land under this Act, the Corps shall make an Application to him in such Manner as he may direct, describing the Land intended to be purchased, and adding such Particulars as to the Circumstances of the Corps, and as to the Amount of Purchase Money, and as to other Matters as he may require.

Secretary for War to make Inquiries.

VII. Previously to giving his Assent, the said Principal Secretary shall send an Inspector to the Land for the Purpose of ascertaining the Capabilities of such Land to be converted into a Rifle Practice Ground with due regard to the Safety and Convenience of the Public.

Power of Secretary for War to give or withhold Assent.

VIII. Upon the Receipt of the Report of the Inspector, the said Principal Secretary may give or withhold his Assent, either with or without Modification, and may annex to such Assent, if given, any Conditions or Regulations he thinks fit, and the Decision of the said Principal Secretary shall in all Cases be conclusive.

Incorporation of Acts.

8 & 9 Vict. cc. 18. & 19., incorporated.

IX. For the Purpose of facilitating the Purchase of Lands in pursuance of the Powers given by this Act, "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with this Act, with the Exception of the Provisions that relate to the Purchase of Lands otherwise than by Agreement.

Construction of Acts hereby incorporated.

X. In the Construction of this Act and the said incorporated Acts, this Act shall be deemed to be the Special Act; and the Rifle Volunteer Corps desirous of purchasing Land shall be deemed to be the Promoters of the Undertaking; and under the Term "Land," a permanent Right of Shooting and Drilling or any other Easement in Land shall be held to be included, and may be alone conveyed while the Fee Simple or other Interest in such Lands may be reserved.

Grants to Rifle Corps.

Landlords empowered to convey Lands to be used as Rifle Ground.

XI. Any Person seised in Fee Simple, Fee Tail, or for Life of any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in *Scotland* being the Proprietor in Fee Simple or under Entail, and in possession for the Time being, may grant, convey, or enfranchise by way of Gift in Fee Simple or for a Term of Years any Quantity not exceeding Four Acres of such Land, or any limited Right as aforesaid

aforesaid over Land to any Extent exceeding Twenty Acres, to any Rifle Volunteer Corps: Provided always, that no such Grant, Conveyance, or Enfranchisement made by any Person seised only for Life of any such Manor or Lands shall be valid unless the Person next entitled in Remainder, in Fee Simple, or Fee Tail (if legally competent) is a Party to and join in such Grant: Provided also, that upon its being proved in manner herein-after mentioned that any Land granted, conveyed, or enfranchised as aforesaid, or any Part thereof, has ceased to be used for the Purposes of this Act, the same shall thereupon immediately revert to and become a Portion of the Estate of which it formed a Part before the Grant was made.

Power to grant Right of shooting in Royal Parks, &c.

XII. The Chief Commissioner of Her Majesty's Works and Public Buildings for the Time being may grant to any Rifle Volunteer Corps the Right to use for the Purposes of this Act any Portion of such Royal Parks, Gardens, and Possessions as are under his Management, upon such Terms, for such Time, not exceeding Twenty-one Years, and subject to such other Conditions, as he thinks fit; provided always, that any such Grant shall be at all Times revocable by the Crown.

Power for Commissioners of Her Majesty's Woods, &c. to grant Lands.

XIII. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty, Her Heirs and Successors, may, with the Consent of the Commissioners of Her Majesty's Treasury, grant any Licence for the Use, during any Term not exceeding Twenty-one Years, of any Part of the Possessions or Land Revenues of the Crown under their Management, not exceeding Four Acres, to any Rifle Volunteer Corps, for the Purposes of this Act, upon such Terms and Conditions as to the said Commissioners or Commissioner may seem meet, and subject to this Proviso, that in the event of its being proved as herein-after mentioned that the Land in respect of which any such Licence has been so granted as aforesaid, or any Part thereof, has ceased to be used for the Purposes of this Act, such Licence shall thereupon cease and determine; and any Licence to be so granted may be renewed from Time to Time.

Chancellor and Council of the Duchy of Lancaster empowered to grant Lands to Rifle Corps.

XIV. The Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being may, by any Deed under the Hand and Seal of the Chancellor of the said Duchy for the Time being, attested by the Clerk of the Council of the said Duchy for the Time being, for and in the Name of Her Majesty, Her Heirs and Successors, grant any Licence for the Use during any Term not exceeding Twenty-one Years to any Rifle Volunteer Corps to be used by them for the Purposes of this Act of any Lands forming Part of the Possessions of the said Duchy, not exceeding in the whole Four Acres, upon such Terms and Conditions as to the said Chancellor and Council seem meet, subject to this Proviso, that,

that, in the event of its being proved in manner herein-after mentioned that the Land in respect of which any Licence has been so granted, or any Part thereof, has ceased to be used for the Purposes of this Act, such Licence shall thereupon cease and determine; and any Licence so granted as aforesaid may be renewed from Time to Time.

Officers of the Duchy of Cornwall empowered upon sufficient Authority to grant Lands to Rifle Corps.

XV. Any Two or more of the principal Officers of the Duchy of *Cornwall* may, with the Consent of the Commissioners of Her Majesty's Treasury, under the Authority of a Warrant issued for that Purpose under the Hands of any Three or more of the Special Commissioners for the Time being for managing the Affairs of the Duchy of *Cornwall*, or under the Hands of any Three or more of the Persons who may hereafter for the Time being have the immediate Management of the said Duchy, if the said Duchy is then vested in the Crown, or if the said Duchy is vested in a Duke of *Cornwall*, then under the Privy Seal of such Duke of *Cornwall*, or under the Hands of any Three or more of the Persons for the Time being having the immediate Management of the said Duchy, by Deed under the Privy Seal of such Duke, grant any Licence for the Use during any Term not exceeding Twenty-one Years to any Rifle Volunteer Corps, to be used by them for the Purposes of this Act, of any Lands forming Part of the Possessions of the said Duchy of *Cornwall*, not exceeding on the whole Four Acres, upon such Terms and Conditions as to the said Special Commissioners, or to the said Duke, or such other Persons as aforesaid seem meet, subject to this Proviso, that in the event of its being proved in manner hereinafter mentioned that the Land in respect of which any Licence has been so granted, or any Part thereof, has ceased to be used for the Purposes of this Act, such Licence shall thereupon cease and determine; and any Licence to be so granted as aforesaid may be renewed from Time to Time.

Corporations, Justices, Trustees, &c. empowered to convey Lands for the Purposes of this Act.

XVI. Any Corporation, Ecclesiastical or Lay, Sole or Aggregate, any Officer, Justices of the Peace, Trustees, or Commissioners holding Land for public, ecclesiastical, or parochial Purposes, may grant any such Licence for the Use, during any Term not exceeding Twenty-one Years, to any Rifle Volunteer Corps, to be used by them for the Purposes of this Act, of any Quantity of Land not exceeding Four Acres, that may be vested in such Corporation, Officers, Justices, Trustees, or Commissioners, subject to the following Provisions:

(1.) That no Ecclesiastical Corporation Sole below the Dignity of a Bishop shall make such grant without the Consent, in Writing, of the Bishop of the Diocese to whose Jurisdiction he is subject, and of the Patron of the Preferment

ment to which the Land belongs or the Guardians or Trustees of such Patron:

(2.) That no Parochial Property shall be granted for such Purposes without the Consent of the Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting to be convened according to the Mode pointed out by the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes, in England and Wales,* nor without the Consent of the Poor Law Commissioners, to be testified by their Seal being affixed to the Deed of Conveyance, and of the Guardians of the Poor of the Union within which the said Parish may be comprised, or of the Guardians of the Poor of the said Parish where the Administration of the Relief of the Poor therein shall be subject to a Board of Guardians, testified by such Guardians being the Parties to convey the same:

(3.) That where any Officers, Trustees, or Commissioners other than Parochial Trustees make any such Grant it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners assembled at a Meeting duly convened, assent to such Grant and execute the Deed of Conveyance, although they do not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners:

(4.) That the Justices of the Peace may give their Consent to the making any Grant of Land or Premises belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by an Act passed in the Seventh Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to authorize the Disposal of unnecessary Prisons in* England:

(5.) That, in the event of its being proved in manner hereinafter mentioned that any Land granted under this Section, or any Part thereof, has ceased to be used for the Purposes of this Act, it shall thereupon revert and belong to the Person or Body of Persons to whom it belonged previously to the Grant being made.

Miscellaneous.

XVII. Where any Footpath crosses any Lands purchased or acquired

Power to stop Footpaths.

acquired for the Purposes of this Act, such Footpath may, with the Consent of the Vestry of the Parish in which the same is situate, and upon the Certificate of Two Justices that the Footpath to be substituted is convenient for the Public, be stopped up or diverted: All Proceedings to obtain such Certificate, and to stop up or divert such Footpath, shall be taken in the same Manner in which Proceedings are directed to be taken by the Act passed in the Session holden in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, Chapter Fifty, in Cases where a Party other than the Inhabitants in Vestry is desirous of stopping up, diverting, or turning a Highway, or as near thereto as Circumstances admit; with this Exception, that the Certificate of the Justices shall be conclusive in Cases where it states the Fact of their having viewed the Footpath to be stopped up or diverted, and that the proposed new Footpath is convenient for the Public.

Power of Secretary for War to make Bye-laws.

XVIII. The said Principal Secretary, with a view to the Service, Safety, and Convenience of the Public, may make Byelaws for the Regulation of Rifle Shooting on Grounds acquired or used by any Rifle Volunteer Corps under the Provisions of this Act.

Proof of Cesser of Land to be used for Purposes of Act.

XIX. Any Land acquired or for the Use of which any Licence has been granted under this Act shall be deemed to have ceased to be used for the Purposes thereof where no such Use by the Corps to which the same was granted has taken place for a Period of One Year, and a Certificate shall have been given by the said Principal Secretary of the Fact of such Non-user; and such Certificate shall be conclusive Evidence of such Fact as against all Persons and in all Courts of Justice.

CAP. CXLI.

An Act to amend an Act passed in the Thirteenth Year of Her Majesty, to restrain Party Processions in Ireland.—[28*th* August 1860.]

CAP. CXLII.

An Act to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs. —[28*th* August 1860.] (England.)

CAP. CXLIII.

An Act to extend certain Provisions of the Titles to Land (Scotland) *Act*, 1858, *to Titles to Land held by Burgage Tenure; and to amend the said Act.*—[28*th* August 1860.]

WHEREAS it is expedient to extend certain Provisions of "the Titles to Land (*Scotland*) Act, 1858," to Titles to Land held by Burgage Tenure, and also to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 21 & 22 Vict. c. 76.

I. This Act may be cited for all Purposes as "The Titles to Land (*Scotland*) Act, 1860." Short Title.

II. The following Words in this and the recited Act, and in the Schedules hereunto and to the recited Act annexed, shall have the several Meanings hereby and in the recited Act assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include original Charters, Charters and Writs and Procuratories of Resignation, Charters of Adjudication and Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale, (whether such Decrees of Adjudication or Decrees of Sale contain Warrant for Infeftment or not), Decrees of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decrees by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed; and official Extracts of any such Deeds, Conveyances, and Decrees, and all Codicils, Deeds of Nomination, Decrees of Declarator, and other Writings bearing Reference to Conveyances separately granted, and naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Conveyances, shall be deemed and taken, for the Purposes of this Act, to be Parts of the Conveyances to which they separately bear reference; the Word "Lands" shall extend to and include all Heritable Subjects, Securities, and Rights; the Words "by Burgage Tenure" and the Words "held Interpretation of Terms.

"held Burgage" shall extend to and include any Mode of Tenure known and effectual in Law similar to Burgage Tenure.

Instruments of Sasine, and of Resignation and Sasine, no longer necessary, and Conveyances may be recorded.

III. It shall not be necessary to expede and record an Instrument of Sasine, or of Resignation and Sasine, on any Conveyance of Lands held Burgage, according to the present Law and Practice; but it shall be competent and sufficient for the Person in whose favour the Conveyance is granted, instead of expeding and recording such Instrument, to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance shall be presented for Registration with a Warrant of Registration thereon, in or as nearly as may be in the Form No. 1 of Schedule (A.) to this Act annexed, specifying the Person on whose Behalf it is presented, and signed by such Person, or his Agent: and such Conveyance, being so presented, and recorded along with such Warrant, shall have the same legal Force and Effect in all respects as if Resignation of such Lands had taken place in due Form, and as if the Conveyance had been followed by an Instrument of Sasine or of Resignation and Sasine duly expede and recorded at the Date of recording the Conveyance, according to the present Law and Practice, in favour of the Person on whose Behalf the Conveyance is presented for Registration.

Not necessary to record the whole Conveyance.

IV. Where a Conveyance of Lands held Burgage is contained in a Deed granted for farther Purposes and Objects, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede a Notarial Instrument, setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which such Lands are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed, and to record such Instrument in the appropriate Register of Sasines; and where a Deed conveys separate Lands, or separate Interests in the same Lands, to the same or different Persons, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument, setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which particular Lands are conveyed to the Person in whose Favour the Notarial Instrument is expede, and the Part of the Deed which specifies the Nature and Extent of the Right and Interest of such Person, with the Real Burdens, Conditions, and Limitations, if any; and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (B.) to this Act annexed.

V. Immediately before the Testing Clause of any Conveyance of

of Lands held Burgage, it shall be competent to insert a Clause of Direction in or as nearly as may be in the Form of Schedule (C.) to this Act annexed, specifying the Part or Parts of the Conveyance which the Granter thereof desires to be recorded in the Register of Sasines, and when such Clause is so inserted, and Reference made thereto in the Warrant of Registration to be endorsed thereon in Terms of this Act, the Keeper of the appropriate Register of Sasines shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause; and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration, as before provided, shall have the same legal Effect as if a Notarial Instrument, containing such Part or Parts of the Conveyance, had been duly expede and recorded in favour of the Person on whose Behalf the Conveyance is presented: Provided that, notwithstanding such Clause of Direction, it shall be competent for the Person entitled to present the Conveyance for Registration, to record the whole Conveyance, or to expede and record a Notarial Instrument, as herein-before provided, in the same Manner as if the Conveyance had contained no such Clause of Direction; and where a Notarial Instrument shall be expede, as herein-before provided, no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Clause directing Part of Conveyance to be recorded.

VI. It shall not be necessary to insert in any Conveyance of Lands held Burgage a Clause of Obligation to infeft, or a Procuratory or Clause of Resignation.

Certain Clauses not necessary in Conveyances.

VII. It shall be competent for the Heir of any Person who died last vest and seised in any Lands held Burgage, to obtain from the Magistrates of the Burgh within which such Lands are situate a Writ of Clare constat in or as nearly as may be in the Form of Schedule (D.) to this Act annexed; or, in his Option, it shall be competent to such Heir to apply for and obtain Decree of Special Service by the Sheriff of Chancery, or by the Sheriff of the County within which such Burgh is situate, in the same Manner in all respects as if such Lands were not held Burgage; and such Writ of Clare constat or Decree of Special Service may be recorded in the appropriate Register of Sasines, and when so recorded, with Warrant of Registration thereon, shall have the same Effect in all respects as if Cognition and Entry of such Heir had taken place in due Form, and an Instrument of Cognition and Sasine in regard to such Lands, and in favour of such Heir, had been duly expede and recorded, according to the present Law and Practice.

Heir in Burgage Subjects may make up Title by Writ of Clare Constat or by Special Service.

VIII. When any Person shall have granted or shall grant

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Notarial Instruments in favour of General Disponees authorized.

a general Conveyance comprehending Lands held Burgage, whether by Deed *mortis causâ* or *inter vivos*, it shall be competent to the Disponee under such Conveyance, or to any other Person who shall have acquired Right to such Conveyance, in whole or in part, to expede and record as aforesaid a Notarial Instrument in or as nearly as may be in the Form of Schedule (E.) to this Act annexed; and such Notarial Instrument, being duly recorded in the appropriate Register of Sasines, shall be equivalent to an Instrument of Resignation and Sasine duly expede and recorded, following on a Disposition of the Lands and Resignation thereof in due Form; and when Heritable Securities are contained in such Notarial Instrument, the Instrument so expede and recorded shall, along with its Warrants, be equivalent to an Assignation of such Heritable Securities executed by the Granter of the general Conveyance, and duly recorded in the appropriate Register of Sasines: Provided that where such Notarial Instrument shall be expede by a Person other than the original Disponee under such general Conveyance, the Notarial Instrument shall set forth the Title, or Series of Titles, by which the Person in whose Favour the Instrument is expede acquired Right to such Conveyance, and the Nature and Extent of his Right.

Forms of Assignations to unrecorded Conveyances.

IX. It shall be competent to any Person, in right of an unrecorded Conveyance of Lands held Burgage, to assign the Conveyance in or as nearly as may be in the Form No. 1. of Schedule (F.) to this Act annexed, and the Assignation, or in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines, along with the Conveyance itself, and a Warrant of Registration thereon, in or as nearly as may be in the Form No. 2. of Schedule (A.); and it shall be competent to write the Assignation or Assignations on the Conveyance itself in or as nearly as may be in the Form No. 2. of Schedule (F.), in which Case the Assignation or Assignations and the Conveyance may be recorded along with the Warrant of Registration thereon, which shall be in or as nearly as may be in the Form No. 1. of Schedule (A.); and the Conveyance, with the Warrant of Registration, and the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or, if there be more than One, in the last Assignation, had been disponed by the original Conveyance in favour of such Assignee, and the Conveyance, with the Warrant of Registration, had been recorded in the Manner herein-before provided of

of the Date of recording such Conveyance and Assignation or Assignations.

Notarial Instruments in favour of Persons acquiring Rights to unrecorded Conveyances authorized.

X. When any Person shall have acquired Right by General Conveyance, Service, Assignation, Adjudication, or otherwise, to an unrecorded Conveyance of Lands held Burgage granted in favour of another Person, it shall be competent to such first-mentioned Person to expede, as aforesaid, a Notarial Instrument, in or as nearly as may be in the Form of Schedule (G.) to this Act annexed, setting forth the Conveyance and the Title or Series of Titles by which he acquired Right to the same, and the Nature and Extent of his Right, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines; or where it is not desired to record the whole of the Conveyance, it shall be competent to expede, as aforesaid, a Notarial Instrument, in or as nearly as may be in the Form of Schedule (B.), setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands in regard to which the said Instrument is expede are conveyed, and by which real Burdens, Conditions, or Limitations are imposed, and also setting forth the Title or Series of Titles by which the Party acquired Right to the Conveyance, and the Nature and Extent of his Right; and to record such Notarial Instrument in the appropriate Register of Sasines; and the Conveyance, with a Warrant of Registration thereon, along with such Notarial Instrument in the Form of Schedule (G.), or such Notarial Instrument in the Form of Schedule (B.), being so recorded, shall be equivalent to a Conveyance in favour of the Person expeding the Instrument, duly recorded along with a Warrant of Registration in the Manner herein-before provided.

Destinations in Entails may be referred to.

XI. When any Lands held Burgage are or shall hereafter be held under a Deed of Entail, it shall not be necessary to repeat the Destination contained in such Entail at length in the Conveyances, Instruments of Sasine or of Resignation and Sasine or of Cognition and Sasine, Instruments of Cognition, Notarial Instruments, or other Deeds necessary to transmit, renew, or complete a Title under such Entail; but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, Instrument of Cognition, Notarial Instrument, or other Deed containing such Lands duly recorded in the appropriate Register of Sasines, and forming Part of the Progress of Title Deeds of the Lands comprehended under such Entail, such Reference being made in the Terms, or as

as nearly as may be in the Terms set forth in No. 2. of Schedule (H.); and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Conveyance, Instrument, or other Deed referred to had been inserted at length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther.

Certain Clauses in Entails no longer necessary.

XII. When a Deed of Entail comprehending any Lands held Burgage contains an express Clause authorizing Registration of the Deed in the Register of Tailzies, it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIII. All Conveyances, with Warrants of Registration written thereon, Instruments of Cognition, and other Notarial Instruments, hereby authorized to be recorded in the Register of Sasines, may be recorded at any Time in the Life of the Person on whose Behalf the same shall be presented for Registration, in the same Manner as Instruments of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, and the Keepers of such Register are hereby authorized and required to record the same accordingly, when presented for that Purpose; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and the Date of Registration of all such Conveyances, Instruments of Cognition, and other Notarial Instruments, shall be equivalent to the Date of Registration of Instruments of Sasine, of Resignation and Sasine, and of Cognition and Sasine, according to the existing Law and Practice; and Extracts of all such Conveyances, Warrants of Registration, Instruments of Cognition, and other Notarial Instruments so recorded, shall make Faith in all Cases as the recorded Conveyances, Warrants, and Instruments themselves would have done, except where any such Conveyance, Warrant, or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XIV. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Rights to Lands held Burgage by the Forms in use prior to the passing of this Act.

XV. It shall be competent to a Trustee on a sequestrated Estate,

Estate, or to Liquidators, official or voluntary, appointed for the Purpose of winding up a Joint Stock Company, who shall desire to complete a Title to any Lands held Burgage, to expede, in the Manner aforesaid, a Notarial Instrument setting forth the Act and Warrant of Confirmation in favour of such Trustee, or the Appointment of such Liquidators, official or voluntary, respectively, and specifying the Lands belonging to the Bankrupt or Company to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt or Company, in or as nearly as may be in the Form of Schedule (I.) to this Act annexed, and to record such Notarial Instrument in the appropriate Register of Sasines; and such Notarial Instrument being so recorded shall be equivalent to an Instrument of Sasine or of Resignation and Sasine in favour of the Trustee or Liquidators, duly expede and recorded, following on a Conveyance by the Bankrupt or Company, and Resignation of the Lands in due Form; and when Heritable Securities are contained in such Notarial Instrument, the Instrument when recorded in the appropriate Register of Sasines shall, along with its Warrants, be equivalent to an Assignation of such Heritable Securities granted in favour of such Trustee by the Bankrupt, or in favour of such Liquidators by the Company, and duly recorded in the said Register.

Mode of completing Title by a Trustee in Sequestration, and by Liquidators of Joint Stock Companies.

XVI. In Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching Lands held Burgage, forming Part of the Ancestor's Heritable Estate, it shall not be necessary to raise separate Summonses of Constitution and Adjudication, but both Actions may be combined in One Summons, whether the Heir renounce the Succession or not; and Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of Six Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding; and in all such Cases a Decree of Adjudication shall be held equivalent to a Conveyance from such Ancestor of all Lands adjudged in favour of the Adjudger.

Diligence against Apparent Heirs.

XVII. When any Obligation, Burden, Condition, Qualification, or other Matter has been or shall be appointed to be inserted or referred to in the Instruments of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, applicable to any Lands held Burgage, the same shall be inserted or referred to in

Obligations appointed to be inserted in Instruments of Sasine, &c.

shall be inserted in Notarial Instruments.

in any Instrument of Cognition or other Notarial Instrument applicable to such Lands to be expede in virtue of this Act.

Power to record Conveyance or Instrument of new with original or new Warrant of Registration.

XVIII. In case of any Error or Defect in any Notarial Instrument expede or to be expede in virtue of the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Thirty-one, or in the recording of any such Instrument, or of any Error or Defect in any Instrument of Cognition, or other Notarial Instrument, to be expede in virtue of this Act, or in the recording of any such Instrument, or in the recording of any Conveyance or Warrant of Registration, to be recorded in the Register of Sasines in virtue of this Act, it shall be competent of new to make and record a Notarial Instrument, or of new to record the Conveyance with the original, or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument so expede and recorded, or such Conveyance so of new recorded with the original, or new Warrant of Registration, shall, from the Date of recording thereof, have the same Effect as if no previous Notarial Instrument had been expede or recorded, or as if such Conveyance and original Warrant of Registration had not been previously recorded.

Recorded Instruments not to be challenged on the ground of Erasures.

XIX. The Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-three, intituled *An Act to amend and regulate the Law of* Scotland *as to Erasures in Instruments of Sasine and of Resignation* ad remanentiam, shall extend and be applicable to Instruments of Cognition and Notarial Instruments authorized by this Act, and to Notarial Instruments expede and to be expede under the Act Eighth and Ninth *Victoria*, Chapter Thirty-one.

Deeds and Instruments may be partly written and partly printed or engraved.

XX. All Deeds, Writs, and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or engraved: Provided that in the Testing Clause, the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed, Writ, or Instrument, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed, Writ, or Instrument, and of the written Portions of the Testing Clause, shall be expressed at length in Writing; and such Deeds, Writs, and Instruments shall be as valid and effectual as if they had been wholly in Writing.

Fees of existing Town Clerks reserved; but no future Town Clerks to

XXI. No Town Clerk of any Royal or other Burgh in *Scotland* who has been or shall be appointed subsequent to the Eighth Day of *March* One thousand eight hundred and sixty shall have any exclusive Right or Privilege of preparing or expeding any Conveyance, Instrument, or other Writ applicable to Land, or shall have any Right to Compensation in respect of any Alterations affecting the Rights, Duties, or Emoluments of

Town

Town Clerks, which may be made by this Act or any Act which may hereafter be passed: Provided always, that existing Town Clerks, whether sole or joint, who, according to the present Law and Practice, are exclusively entitled to prepare Instruments of Sasine or of Resignation and Sasine in Burgage Subjects, shall, each during the Period to which his Rights shall extend under any legal Appointment or Agreement existing at the foresaid Date, but no longer, be entitled to claim and receive from the Person presenting for Registration in the Burgh Register of Sasines kept by such Town Clerk any Conveyance, which, when recorded, will operate the Effect of a recorded Instrument of Sasine, or of Resignation and Sasine, such, but no other, Fees as he would have had Right to draw, and to appropriate to his own Use and Benefit, in respect of the Preparation and recording of the Instrument of Sasine or of Resignation and Sasine which, if this Act had not been passed, must have been recorded in the Burgh Register of Sasines, in order to operate the like Effect as the recording therein of such Conveyance; and the Person recording such Conveyance in the said Register of Sasines shall be bound to pay such, but no other, Fees to such Town Clerk in respect thereof: Provided always, that in estimating the said Fees such Instruments of Sasine or of Resignation and Sasine shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine or of Resignation and Sasine have been rendered unnecessary.

Town Clerks have Claims for Compensation for Loss of Fees, &c.

XXII. From and after the passing of this Act, and during the Period to which the Rights of any existing Town Clerk in any Burgh in which Lands are held Burgage, and no Register of Sasines is kept, extend under legal Appointment, and no longer, no Conveyance, Writ, or Instrument applicable to Lands in such Burgh held Burgage, and which under the Provisions of this Act shall come in place of any Writ or Instrument which such Town Clerk would by law have been exclusively entitled to prepare had this Act not been passed, shall, as regards such Lands, be validly recorded in any Register of Sasines, unless the Warrant of Registration of such Conveyance, Writ, or Instrument shall be subscribed, or where no such Warrant is required, such Conveyance, Writ, or Instrument itself shall be subscribed or endorsed with the Signature of such Town Clerk, which Signature he shall be bound to attach or endorse on Receipt in respect thereof of One Half of the Fees which would have been chargeable by him for the Preparation of the Writ or Instrument which he would have been entitled to prepare as aforesaid, and of no other Fees; but if the said Conveyance, Writ, or Instrument be prepared by him, he shall not be entitled, in respect of his Signature as aforesaid, to any other beyond the ordinary Fees for preparing such Conveyance,

Provision for Lands held Burgage where no Burgh Register of Sasines is kept.

veyance, Writ, or Instrument: Provided always, that in estimating the said Fees the said Writ or Instrument shall not be computed as of any greater Length than the Conveyance, Writ, or Instrument signed by such Town Clerk.

Provision for Lands in the Burgh of Paisley held by Booking Tenure.

XXIII. All the Provisions of this Act applicable to Lands held by the ordinary Burgage Tenure shall be applicable also to Lands in the Burgh of *Paisley* held by the peculiar Tenure of Booking; and all the Provisions of this Act applicable to Resignation, and to Instruments of Sasine, and of Resignation and Sasine, and of Cognition and Sasine, and Registers of Sasines, respectively, of Lands held Burgage shall be applicable also to Booking, and to Instruments of Resignation and Booking, and to Extract Bookings, and to the Register of Booking, respectively, of Lands in said Burgh of *Paisley* held by said Tenure of Booking: Provided always, that nothing in this Act contained shall prevent the Constitution, Transmission, or Completion of Rights to Lands held by the said Tenure of Booking by the Forms in use prior to the passing of this Act.

Court of Session may fix and regulate Fees.

XXIV. It shall be lawful for the Court of Session from Time to Time to pass Acts of Sederunt fixing and regulating the Fees payable to Town Clerks and Keepers of Registers of Sasines for and with respect to all Instruments and Proceedings under this Act, and the recording of all Deeds and Instruments made and executed under the Provisions thereof; and the said Court may either make a general Table of Fees which shall be applicable to all the Burghs in *Scotland*, or may make special Tables of Fees which shall be applicable to any One or more of such Burghs, as they think fit; and the Tables of Fees applicable to each Burgh shall come into operation on the Death, Resignation, or Removal of the existing Town Clerk of such Burgh; and it shall not be lawful for any Town Clerk or the Keeper of the Register of Sasines of any Burgh who shall be appointed after the passing of this Act, to demand or receive any higher Fees for or in respect of any Instruments or Proceedings under this Act, or the recording of any Deeds or Instruments made and executed under the Provisions thereof, than the Fees specified in the Table which for the Time shall be applicable to such Burgh; and the said Court may meet for the Purpose of passing and pass such Acts of Sederunt either during Session or Vacation, and may from Time to Time repeal or alter such Acts and Tables of Fees: Provided, that all Acts of Sederunt passed under the Authority of this Act shall, within One Month after the Date thereof, be transmitted by the Lord President of the said Court to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

XXV. Every Deed containing a Clause of Direction in Terms of

of the recited Act or this Act, presented for Registration in any Register of Sasines, shall, if such Clause of Direction is intended to be acted on, bear express Reference thereto in the Warrant of Registration, if any, which, in Terms of the recited Act or this Act, is otherwise required to be endorsed on such Deed, or in a separate Warrant of Registration, in the Form as nearly as may be of the Schedule (K.) to this Act annexed; and in the Absence of such express Reference in such Warrant of Registration as aforesaid, such Deed shall be engrossed in the Register as if it had contained no Clause of Direction.

Clauses of Direction to be referred to in Warrants of Registration.

XXVI. It shall be competent for the Town Clerk of any Burgh to expede and record, and for the Keeper of any Burgh or other Register of Sasines, Reversions, &c., to record, any Instrument of Sasine or of Cognition and Sasine, or any Notarial Instrument, or Conveyance or other Writ, in which such Town Clerk or Keeper may be personally interested, either individually or as Trustee for another or otherwise; and no Instrument of Sasine or of Cognition and Sasine, Notarial Instrument, Conveyance or other Writ, expede or recorded prior to the Date of the passing of this Act, or which may hereafter be expede or recorded, shall be challengeable or in any way affected by reason of personal Interest in the Town Clerk or Keeper of the Register by whom the same has been expede or recorded as aforesaid: Provided, that this Enactment shall not prejudice or affect any Action or Proceeding which may have been instituted prior to the passing of this Act.

Official Acts of Town Clerks and Keepers of Registers of Sasines not to be affected by their personal Interest in recorded Writs.

XXVII. In Excambions of Entailed Lands, whether held Burgage or not, it shall not be necessary to insert at Length in the Conveyances of the Lands obtained in exchange for such Entailed Lands, or in the Instruments of Sasine, Notarial Instruments, or other Writs, which may follow upon such Conveyances, the Destination of Heirs, or the Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, or Clauses authorizing Registration in the Register of Tailzies, contained in such Deed of Entail, but in such Conveyances, and in all other Conveyances of Entailed Lands, and in all Notarial Instruments applicable thereto, it shall be competent and sufficient to refer to such Destination, and to such Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, and Clause authorizing Registration in the Register of Tailzies, as set forth in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth in any Conveyance, Instrument of Sasine, or other Writ duly recorded in the appropriate Register of Sasines, and forming Part of the Progress of Title Deeds following on such Deed of Entail, such Reference being made

Conditions of Entail, &c. may, in Excambions of Entailed Lands, be inserted by Reference merely.

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as nearly as may be in the Terms set forth in Schedule (L.) to this Act annexed; and the Reference so made to such Destination, and to such Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, and Clause authorizing Registration in the Register of Tailzies, shall be equivalent to the full Insertion thereof, notwithstanding any Law or Practice to the contrary or any Injunction to the contrary contained in such Deed of Entail, or any Enactments or Provisions to the contrary contained in any Act of Parliament, all which are hereby repealed to the Extent of making this Enactment operative, but no further.

Debts affecting Lands exchanged for other Lands to affect such other Lands in lieu thereof.

XXVIII. When any Lands, whether held Burgage or not, disponed, under the Authority of an Act of Parliament, in excambion for other Lands, are burdened with Debts, the Lands so disponed shall, from and after the Date of Registration in the appropriate Register of Sasines of the Contract or Deed of Excambion of such Lands, be freed and disburdened of such Debts so far as previously affecting the same, and shall be burdened with the Debts, if any, which previously affected the Lands acquired in exchange for the same, in the Order of Preference in which such Debts were a Burden upon such last-mentioned Lands: Provided always, that before any such Excambion is authorized (in addition to such Procedure as may be prescribed by such Act) such intimation as the Court of Session may consider necessary shall be made to all Creditors having Interest, and such Creditors shall be entitled to state any Objections thereto, of which the Court shall judge: Provided also, that in such Contract or Deed of Excambion, or in a Schedule subscribed as relative thereto, and declared to be Part thereof, and recorded therewith, there shall be set forth as to each of the said Debts the following Particulars; namely, the Amount of the Debt, the Date of recording the Writ by which its Constitution was originally published, the Register in which the same was so published, the Name and Designation of the original Creditor, and if the Debt has been transferred the Name and Designation of the Creditor understood to be in right thereof for the Time, and the Date of recording the Writ whereby his Right was published, and the Register in which the same was so published; provided further, that in such Contract or Deed of Excambion such Debts shall be expressly declared to burden the Lands to which the same are transferred as aforesaid.

Entailer's Debts, &c. may be charged on entailed

XXIX. In all Cases where there are or shall be Entailer's or other Debts or Sums of Money which might lawfully be made chargeable, by Adjudication or otherwise, upon the Fee of an Entailed Estate, the Heir of Entail in possession of such Estate for

for the Time being shall have all the like Powers of charging the Fee and Rents of such Estate, or any Portion thereof, other than the Mansion House, Offices, and Policies thereof, with such Debts or Sums of Money, and of granting, with the Authority of the Court of Session, Bonds and Dispositions in Security for the Amount of such Debts and Sums of Money, as by the Act Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and the Act Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, are conferred with reference to Provisions to younger Children; and such Bonds and Dispositions in Security may be granted in favour of any Parties in the Right of such Debts or Sums of Money at the Date when such Bonds and Dispositions in Security are executed. Estate by Bond and Disposition in Security.

XXX. The short Clauses of Consent to Registration for Preservation, and for Preservation and Execution, set forth in the Schedule (A.) annexed to the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, shall, when occurring in any Deed or Writing whatever, have the like Meaning and Import as by the said Act is attributed to them when occurring in any Disposition, Conveyance, Deed, or Instrument referred to in the First Section of the said Act. Short Clauses of Consent to Registration may be used in any Deed.

XXXI. With reference to the First Section of the "Titles to "Land (*Scotland*) Act, 1858," it is declared and enacted, that in all and each of the Cases set forth in the Sixth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-seven, or in the Fifth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, or in the Fourth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-nine, or in the Fourth Section of the Act Tenth and Eleventh *Victoria*, Chapter Fifty, or in the Twenty-seventh Section of the Act Tenth and Eleventh *Victoria*, Chapter Fifty-one, it is and shall be lawful to refer, as in the said Acts of the Tenth and Eleventh *Victoria* is provided, to such Real Burdens or Conditions or Limitations as are therein specified, as set forth at full length in any Conveyance or Notarial Instrument recorded in the appropriate Register of Sasines of the Lands to which such Burdens or Conditions or Limitations apply; and that such reference is and shall be equivalent to the full insertion in the Disposition, Conveyance, Procuratory, Charter, Precept of Clare constat, Decree of Adjudication, Instrument of Sasine, or other Deed or Instrument in which such Reference occurs of such real Burdens or Conditions or Limitations, and has and shall have all the legal Effects assigned by the said Provisions of the said Statutes, or any or either of them, to any Reference to such Real Burdens or Conditions or Limitations, as set forth at length Real Burdens may be referred to as already in any Conveyance recorded in any Register of Sasines.

length in any recorded Instrument of Sasine, or recorded Instrument of Resignation *ad remanentiam*.

Extension of Provisions of 13 & 14 Vict. c. 13. to Trusts for the Maintenance of Churches, Schools, &c.

XXXII. The Provisions of the Act of the Thirteenth Year of *Victoria*, Chapter Thirteen, intituled *An Act to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in* Scotland *hold Real Property required for such Purposes*, shall apply to all Trusts for the Maintenance, Support, or Endowment of Ministers of Religion, Missionaries, or Schoolmasters, or for the Maintenance of the Fabric of Churches, Chapels, Meeting Houses, or other Places of Worship, or of Manses or Dwelling Houses or Offices for Ministers of the Gospel, or of Schoolhouses, or Schoolmasters Houses, or other like Buildings; and shall also apply to Feu Duties and other Heritable Property as well as to Lands and Houses and Money invested on Heritable Security; and it is hereby declared and enacted, that the Societies or Bodies of Men specified in the said Act include and shall be deemed to include the General Assemblies, Synods, and Presbyteries of the Established Church of *Scotland*, and of all other Presbyterian Churches in *Scotland*.

Recording Deed with Writ of Resignation thereon not to operate Sasine on such Deed.

XXXIII. The last Proviso to the Ninth Section of the "Titles to Land (*Scotland*) Act, 1858," expressed in the following Terms, *viz.*, "Provided always, that the recording of "such Deed along with such Writ shall have the effect of an "Instrument of Sasine following on such Deed," is hereby repealed; and in lieu thereof, when a Deed which is the Warrant for Resignation, with a Writ of Resignation written thereon, has been or shall be recorded in the appropriate Register of Sasines, the recording of such Deed along with such Writ shall not have the effect of an Instrument of Sasine following on such Deed.

Description of Lands contained in recorded Deeds may be inserted in subsequent Writs by Reference merely.

XXXIV. The Fifteenth Section of the recited Act is hereby repealed; and in lieu thereof be it enacted, That where any Lands held or not held Burgage have been particularly described in any prior Conveyance, Discharge, or other Deed or Instrument duly recorded in the appropriate Register of Sasines, it shall not be necessary in any subsequent Conveyance, Discharge, or other Deed or Instrument containing or referring to the whole or any Part of such Lands, to repeat the particular Description of the Lands at length, but it shall be sufficient to specify the Name of the County, and, where the Lands are held Burgage, the Name of the Burgh and County in which they are situated, and to refer to the particular Description contained in the prior Conveyance, Discharge, or other Deed or Instrument so recorded, in or as nearly as may be in the Manner set forth in No. 1. of Schedule (H.) to this Act annexed; and the Specification

fication and Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance, Discharge, or other Deed or Instrument so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance, Discharge, or other Deed or Instrument.

Conveyances and Instruments may be recorded of new.

XXXV. The Thirty-first Section of the "Titles to Land "(*Scotland*) Act, 1858," is hereby repealed; and in lieu thereof be it enacted, That in case of any Error or Defect in any Notarial Instrument expede or to be expede in virtue of the said Act, or of the Act Eighth and Ninth *Victoria*, Chapter Thirty-one, or in the recording of any such Instrument, or of any Instrument of Resignation ad remanentiam, or in the recording of any Conveyance, or Procuratory of Resignation *ad remanentiam*, or Warrant of Registration, recorded or to be recorded in the Register of Sasines in virtue of the said Titles to Land Act, it shall be competent of new to make and record a Notarial Instrument, or Instrument of Resignation, or of new to record the Conveyance, or Procuratory of Resignation, with the original or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument or Instrument of Resignation, so expede and recorded, or such Conveyance or Procuratory of Resignation, so of new recorded, with the original or new Warrant of Registration, as the Case may require, shall, from the Date of recording thereof, have the same Effect as if no previous Notarial Instrument or Instrument of Resignation had been expede or recorded, or as if such Conveyance, or Procuratory of Resignation, and original Warrant of Registration had not been previously recorded.

Meaning of certain Words in Titles to Land Act, 1858, declared.

XXXVI. The Words "to be holden in the same Manner in "which the Grantor of the Conveyance held or might have held "the same," in the Fifth Section of the "Titles to Land (*Scot-*"*land*) Act, 1858," and the Words of the same or similar Import in the Twelfth, Twenty-first, Twenty-Second, and Twenty-seventh Sections of the said Act relative to the Manner in which the Lands mentioned in the said Sections are to be held, are hereby declared and shall be construed to mean that the Lands are to be held *a me vel de me*, where the Investiture of Lands contains no Prohibition against Subinfeudation or against an alternative holding, and *a me* only where the Investiture contains such Prohibition: Provided always, that where the Investiture contains such Prohibition, the Conveyance or Instrument shall, if an Entry in the Lands therein specified or thereby conveyed be expede with the Superior within Twelve Months from the Date of such Conveyance or Instrument, have the same Preference in all respects from the Date of recording in

in the appropriate Register of Sasines the Conveyance or Instrument, as if the same contained an *a me vel de me* Holding, and the Investiture did not contain any Prohibition against Subinfeudation or against an Alternative Holding.

Amendment of Sect. 33. of "Titles to Land (Scotland) Act, 1858."

XXXVII. The Thirty-third Section of the Titles to Land (*Scotland*) Act, 1858, shall be read and construed as if the Word "Resignation" were substituted for the Word "Registration" occurring in the said Section.

Mode of completing Title by a Judicial Factor on a Trust Estate, &c.

XXXVIII. Where a Judicial Factor shall apply by Petition for Authority to complete a Title to any Lands held or not held Burgage forming Part of the Estate under his Management, and where the Petition shall specify the Lands to which such Title is to be completed, the Warrant granted for completing such Title shall also specify the Lands to which such Title is to be completed, and such Warrant shall be held to be a Disposition of the Lands, and an Assignation of any Heritable Securities contained in such Warrant in due and usual Form, in favour of such Judicial Factor by the Person, whether in Life or deceased, whose Estate is under Judicial Management, and, where such Judicial Factor has been appointed on a Trust Estate which shall have been vested in a Trustee or former Judicial Factor by such Trustee or former Factor, whether in Life or deceased, for the Purposes of such Trust: Provided always, that for enabling the Person in whom such Lands were last vested, or his Representatives, or other Parties interested, to bring forward competent Objections against such Warrant being granted, or Claims upon the Estate, the Court shall order such Intimation and Service of the Petition as to them shall seem proper.

All Charters or Writs of Resignation to operate Confirmation.

XXXIX. Charters of Resignation or Adjudication or Sale shall operate as a Confirmation of the whole Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party in whose Favour such Charter may be or may have been granted.

Writs of Confirmation, &c., by Subjects Superiors to be tested.

XL. Writs of Confirmation and Writs of Resignation and Writs of Clare constat granted in Terms of the Titles to Land (*Scotland*) Act, 1858, by Subjects Superiors, shall be authenticated in the Form required by the Law of *Scotland* in the Case of ordinary Deeds.

Stamp Duty on Writs of Confirmation, &c.

XLI. The Stamp Duty chargeable on Writs of Confirmation, Writs of Resignation, Writs of Clare constat, and Writs of Investiture, granted or to be granted in virtue of the said Act, and on Writs of Acknowledgment under "The Registration of "Leases (*Scotland*) Act," shall be the same as that now chargeable on Charters of Confirmation, Charters of Resignation, and Precepts of Clare constat.

XLII. The Fees to be drawn from and after the passing of this

this Act in the Office of the Register of Deeds, Probative Writs, and Protests shall be applied in the first instance to Payment of the Principal Keeper to the Extent of a Sum of Five hundred Pounds annually, and of each of the Two Assistant Keepers to the Extent of Three hundred and fifty Pounds annually, and any Surplus of the said Fees shall be disposed of according to the existing Law and Practice. Application of Fees.

XLIII. This Act shall take effect from and after the First Day of *October* One thousand eight hundred and sixty. Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration to be written on a Conveyance when presented without Assignation apart or Notarial Instrument.

REGISTER on behalf of *A.B.* (*insert Designation*) [*or* Register, *&c.*, along with Assignation (*or* Assignations) hereon] (*or otherwise, as the Case may be*).

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
[*or, as the Case may be,*] Agent of the said *A.B.*

No. 2.

Warrant of Registration to be written on a Conveyance when presented with Assignation apart or Notarial Instrument.

REGISTER on behalf of *A.B.* (*insert Designation*) along with the Assignation [*or* Assignations *or* Notarial Instrument] docqueted with reference hereto (*or otherwise, as the Case may be*).

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
[*or, as the Case may be,*] Agent of the said *A.B.*

SCHEDULE (B.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

AT there was by [*or* on behalf] of *A.B.* of *Z.* Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed,

Deed, *as the Case may be*], granted by *C.D.* of *Y.* Esquire, and bearing Date [*insert the Date*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be*, to the said *A.B.*] [*or* to *E.F.*], and his Heirs and Assignees [*insert the Destination, if any, so far as may be necessary*], heritably and irredeemably [*or* redeemably, *or* in Life-rent, *or otherwise, as the Case may be*,] all and whole [*insert the Description of the Subjects conveyed; and if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here*], but always under the Burden of a Real Lien, &c. [*as the Case may be*]. [*If the Person expeding the Instrument be other than the original Disponee, add*] As also there was presented to me [*here specify the Title or Series of Titles by which such Person acquired Right, and the Nature and Extent of his Right*]. Whereupon this Instrument is taken in my Hands, in Terms of The Titles to Land (Scotland) Act, 1860. In witness whereof [*insert a Testing Clause, as in Instrument of Resignation and Sasine authorized by the Act* 10 & 11 *Vict., Cap.* 49].

(Signed) *G.H.*
Notary Public.

I.K., Witness.
L.M., Witness.

SCHEDULE (C.)

Clause of Direction specifying Part of Deed which Granter desires to be recorded.

And I direct to be recorded in the Register of Sasines the Part of this Deed from its Commencement to the Words (*insert Words*) on the Line of the Page [and also the Part from the Words (*insert Words*) on the Line of the Page to the Words (*insert Words*) on the Line of the Page] [*or* I direct the Whole of this Deed to be recorded in the Register of Sasines with the Exception of the Part] [*or* Parts, *as the Case may be, specifying the Part or Parts excepted, as above.*]

SCHEDULE (D.)

Writ of Clare constat in Burgage Subjects.

We [*specify Granters*]. Whereas it clearly appears that *C.D.*, [*insert name and Designation of the Ancestor*] died last vest and seised in [*describe Lands; and then insert any necessary*

sary Clauses as in Writs of Clare constat applicable to feudal Property]; and that conform to Instrument of Cognition and Sasine [*or as the Case may be*] in favour of the said *C.D.*, recorded in the Register of Sasines of [*insert the Title of the Register*], the Day of in the Year . And that *A.B.* [*insert Name and Designation of Heir*] is eldest Son and nearest and lawful Heir of the said *C.D.* [*or as the Case may be.*] Therefore we hereby declare the said *A.B.* to have Right to the said Lands as Heir foresaid. In witness whereof [*to be tested and signed in common Form*].

SCHEDULE (E.)

Notarial Instrument in favour of a general Disponee, or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasines and Date of recording*], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y*, was vested in all and whole [*describe the Lands or other Subjects, as the Case may be*]; as also there was presented to me a general Disposition [*or other Deed, or an Extract of a Deed*], granted by the said *C.D.*, and bearing Date [*insert Date*] by which general Disposition the said *C.D.* gave, granted, and disponed [*or otherwise, as the Case may be*], to the said *A.B.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], heritably and irredeemably [*or* in Life-Rent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate of which he was [*or* might die] possessed. [*If the Deed be granted under any Real Burden, or Condition or Qualification, add here,* but always under the Burden of the Real Lien, &c.; *and if the Deed be granted in trust, or for specific Purposes, add,* but always in trust, *or* for the Uses and Purposes mentioned in said Deed. *If the Person expeding the Instrument be other than the original Disponee, add,* as also there was presented to me (*specify the Title or Series of Titles by which such Person acquired Right, and the Nature and Extent of his Right.*)] Whereupon, *&c., as in Schedule* (B.)

SCHEDULE (F.)

No. 1.

Assignation of an unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or*

[*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed*], granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State the Term of the Assignee's Entry; and other Particulars, if any, ought to be specified.*] In witness whereof [*insert a Testing Clause in the usual Form.*]

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I, *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*] hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition of the Lands of *X*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State the Term of the Assignee's Entry; and other Particulars, if any, ought to be specified.*] In witness whereof [*insert a Testing Clause in the usual Form.*]

SCHEDULE (G.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance to be recorded along with the Conveyance.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.* of *Y.*, and bearing Date [*insert Date*]; by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded along with this Instrument; as also there was presented to me [*specify the Title or Series of Titles by which A.B. acquired Right, and the Nature and Extent of his Right*]. Whereupon, *&c.*, *as in Schedule* (*B.*)

(Signed) *G.H.*,
Notary Public.

I.K., Witness.
L.M., Witness.

SCHE-

SCHEDULE (H.)

No. 1.

Clause of Reference to particular Description contained in a Prior Deed.

THE Lands [*or* Subjects] and others [*or* the Lands delineated and coloured on a Copy of the Ordnance Survey Map hereto annexed, and signed as relative hereto,] [*or* the Lands of *A.* and others,] [*or* the House No. 10, Street, and others,] [*or other like short Description,*] in the County of , [*or* in the Burgh of and County of *as the Case may be*], being the Lands [*or* Subjects] particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*insert Date*], and recorded in the [*specify Register of Sasines*] on the Day of in the Year [*or* as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c., or as the Case may be*]. [*If Part only of Lands is conveyed, describe such Part as above, and add,* being Part of the Lands particularly described, *&c.; or thus,* being the Lands [*or* Subjects] as particularly described, *&c.*, with the Exception of, *and describe the Part excepted*].

No. 2.

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] and to the other Heirs specified and contained in a Disposition and Deed of Entail of the said Lands executed by the deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year , [*or* in the said Disposition and Deed of Entail dated and recorded as aforesaid, *or* in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year].

SCHEDULE (I.)

Notarial Instrument in favour of a Trustee in a Sequestration, or of Liquidators of Joint Stock Companies.

AT there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestrated Estate of *C.D.*, [*or* as Liquidator for winding up the [*specify name of Company*], presented to me,

me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c. specify the Title or Series of Titles by which the Bankrupt held the Lands*]; as also there was presented to me an Extract Act and Warrant of Confirmation in favour of the said *A.B.*, dated [*insert Date*] [*or here specify the Appointment of the Liquidator or Liquidators, and the Date thereof*]. Whereupon, &c., *as in Schedule* (*B.*)

SCHEDULE (K.)

Register, in Terms of Clause of Direction on behalf of *A. B.*, [*insert Designation, and, where necessary, add* along with Assignation hereon (*or* Assignations hereon) *or* Writ of Resignation hereon) (*or* the Assignation *or* Assignations *or* Notarial Instrument docqueted with reference hereto) (*or otherwise, as the Case may be*)].

(Signed) *A.B.*

[*or, C.D.*, W.S., Edinburgh,]

[*or, as the Case may be*] Agent of the said *A.B.*

SCHEDULE (L.)

Clause of Reference to Conditions of Entail, &c.

[*After the Description of the Lands insert*] But always with and under the Conditions, Prohibitions, Declarations, Limitations, and Restrictions, and Clauses irritant and resolutive, [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*,] contained in a Disposition and Deed of Entail of the Lands of *X.* [*specify leading name merely*], and others, executed by the deceased *E.F.*, bearing Date the Day of in the Year and recorded in the Register of Tailzies on the Day of in the Year [*or* in the said Disposition and Deed of Entail dated and recorded as aforesaid] [*or* in (*specify Writ*) recorded in the General Register of Sasines (*or as the Case may be*) upon the Day of in the Year].

CAP. CXLIV.

An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.—[28*th* August 1860.] (England.)

CAP. CXLV.

An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills.—[28*th* August 1860.]

§ XXXV. This Act shall not extend to *Scotland*.

CAP. CXLVI.

An Act to amend the Act for regulating Measures used in Sales of Gas.—[28*th* August 1860.]

WHEREAS Delays have occurred in preparing the Models of Measures, according to the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for regulating Measures used in Sales of Gas*, and it is expedient to defer the Time when several of the Provisions of the said Act come into operation, and further to amend the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 22 & 23 Vict. c. 66.

Calculation of Time specified in recited Act.

I. Except as to Things done before the passing of this Act under the Authority of the said Act, where in the said Act anything is required to be done within a specified Time after the passing of the same, such Time shall be calculated as if the Thirteenth Day of *October* One thousand eight hundred and sixty had been the Date of the passing of the said Act: Provided always, that, notwithstanding anything in the said Act contained, the said Act shall not come into operation in any County of *England* until the Magistrates of such County in Quarter Sessions, or in any County in *Scotland* until the Commissioners of Supply of such County, or in any County of *Ireland* until the Grand Jury of such County, shall have resolved to bring such County under the Operation of the Act.

II. This

Construction of Acts, and Recovery of Penalties.

II. This Act and the recited Act shall be construed together as One Act, and all Penalties and Forfeitures incurred under the Provisions of either Act shall be sued for and recoverable in all Counties, Ridings, or Divisions in *England* and *Ireland* before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place.

CAP. CXLVII.

An Act to amend the Seventh and Eighth Victoria, *Chapter Seventy.*—[28*th* August 1860.] (*Debtors and Creditors Act* (England) *Amendment.*)

CAP. CXLVIII.

An Act to continue the Powers of the Poor Law Commissioners in Ireland.—[28*th* August 1860.]

CAP. CXLIX.

An Act to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court.—[28*th* August 1860.]

CAP. CL.

An Act further to amend certain Acts relating to the Temporalities of the Church in Ireland.—[28*th* August 1860.]

CAP. CLI.

An Act for the Regulation and Inspection of Mines.—[28*th* August 1860.]

WHEREAS an Act was passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-nine, "to prohibit the Employment of Women and Girls in "Mines and Collieries, to regulate the Employment of Boys, and "to make other Provisions relating to Persons working therein:" 5 & 6 Vict. c. 99.
And whereas an Act was passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and eight, "to amend the Law for the Inspection of Coal Mines in *Great Britain:*" 18 & 19 Vict. c. 108.
And whereas it is expedient that the Provisions of the said Two several Acts should be amended, and that the Provisions for Inspection now applicable to Coal Mines only should be extended to certain Mines of Ironstone of the Coal Measures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I.—*Provisions applicable to all Mines.*

No Boy under Twelve Years of Age to be employed in Mines.

I. After the First Day of *July* One thousand eight hundred and sixty-one, it shall not be lawful for the Owner of any Mine or Colliery to employ any Male Person under the Age of Twelve Years within such Mine or Colliery, or to permit any such Male Person to work or be therein for the Purpose of working therein other than such as at the passing of this Act shall have attained the Age of Ten Years, and were at or before the passing of this Act employed within the same or some other Mine or Colliery; and the said Act of the Fifth and Sixth Years of Her Majesty, and all the Provisions and Penalties thereof, shall be construed and take effect as if the Age of Twelve Years had been mentioned in Section Two of the said Act instead of the Age of Ten Years, subject to the Proviso herein-after contained.

Exception for Boys between Ten and Twelve who have Certifi-

II. Provided that a Boy above the Age of Ten Years and under the Age of Twelve Years may be employed in a Mine or Colliery upon either of the following Conditions; that is to say,

That before any such Boy is so employed the Owner of the Mine shall, after the First of *July* One thousand eight hundred and sixty-one, obtain a Certificate under the Hand

cates as to Education and School Attendance.

Hand of a competent Schoolmaster that such Boy is able to read and write:

Or, That in the Second and every subsequent Lunar Month during which such Boy is employed in such Mine or Colliery the Owner shall obtain a Certificate under the Hand of a competent Schoolmaster that such Boy has attended School for not less than Three Hours a Day for Two Days in each Week during the Lunar Month immediately preceding, exclusive of any Attendance on *Sundays*:

And the Owner shall file and preserve such Certificates as aforesaid so long as such Boy shall continue in the Employment, and during Six Months after the Termination of such Employment, and shall produce during such Time such Certificates to any Inspector under the said Act of the Fifth and Sixth Years of Her Majesty, or to any Inspector of Coal Mines and Ironstone Mines, when required so to do by any such Inspector.

Penalty on Grant of false Certificates.

III. Every Person giving a false Certificate for the Purposes of this Act shall for every such Offence forfeit a Sum not more than Ten Pounds nor less than Five Pounds; and such Offence shall be dealt with as an Offence against the said Act of the Fifth and Sixth Years of Her Majesty.

Recital of Sect. 8. of 5 & 6 Vict. c. 99.

IV. And whereas by Section Eight of the said Act of the Fifth and Sixth Years of Her Majesty it is provided, that where there shall be any Entrance to a Mine or Colliery by means of a Vertical Shaft or Pit or Inclined Plane, or where there shall be any Communication within any Part of a Mine or Colliery to any other Part thereof by a Vertical Shaft or Pit or Inclined Plane, then it shall not be lawful for any Owner of any such Mine or Colliery to allow any Person or Persons, other than a Male of the Age of Fifteen Years and upwards, to have Charge of any Steam Engine or other Engine, Windlass, or Gin (whether driven or worked by manual Labour or any other Power whatsoever), or to have Charge of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle, Persons are brought up or passed down any such Vertical Shaft or Pit or Inclined Plane:

Steam Engines in certain Cases not to be under the Charge of Persons under 18.

It shall not be lawful in any such Case as in the said Provision mentioned for the Owner of the Mine or Colliery to allow any Person, other than a Male of the Age of Eighteen Years or upwards, to have Charge of any Steam Engine or of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle, Persons are brought up or passed

passed down any such Vertical Shaft, or Pit, or Inclined Plane; and any Person offending against this Enactment shall be subject to the Penalty imposed by the recited Provision for offending against the same.

Foregoing Provisions to be construed with 5 & 6 Vict. c. 99.

V. The foregoing Provisions of this Act shall extend to all Mines in *Great Britain*, and shall be construed with the said Act of the Fifth and Sixth Years of Her Majesty as One Act.

II.—*Provision for Inspection and Regulation of Coal Mines and Ironstone Mines.*

18 & 19 Vict. c. 108. repealed.

VI. The said Act of the Eighteenth and Nineteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be Inspectors under this Act of the Mines to which the Provisions herein-after contained extend, subject nevertheless to Removal by One of Her Majesty's Principal Secretaries of State, and subject to all other the same Provisions and with the same Powers as if appointed under this Act; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed.

Mines to which Part 2. of this Act is to extend.

Interpretation of Terms.

VII. The Provisions herein-after contained shall extend to all Coal Mines and Collieries and Mines of Ironstone of the Coal Measures and worked in connexion with Coal or with any disused or exhausted Coal Mines; and in the Construction of such Provisions the Terms "Coal Mine or Colliery or Ironstone "Mine" shall mean every such Mine and Colliery as aforesaid, and every Shaft in the course of being sunk, and every Level or Inclined Plane in the course of being driven for commencing or opening any such Mine, and all the Works belonging thereto respectively; the Term "Owner" shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or Ironstone Mine, or of any Part thereof; and the Term "Agent" of a Coal Mine or Colliery or Ironstone Mine shall mean any Person having on behalf of the Owner the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines and Ironstone Mines appointed or continued under this Act; and the Term "District" shall mean the Portion of *Great Britain* assigned or which shall be assigned to any One of such Inspectors; and the Word Sheriff shall include Sheriff Substitute.

Power to Secretary of State to appoint Inspectors of Mines.

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines and Ironstone Mines under this Act, and from Time to Time to remove

remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the *London Gazette*.

No Land Agent or Manager of Mine to act as Inspector.

IX. No Person who shall act or practise as a Land Agent or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Mine, shall act as an Inspector of Mines under this Act.

General Rules to be observed in Coal and Ironstone Mines.

X. The following Rules (herein-after referred to as the General Rules) shall be observed in every Colliery or Coal Mine and Ironstone Mine by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced in all Coal Mines or Collieries and Ironstone Mines to dilute and render harmless noxious Gases to such an Extent that the Working-places of the Pits, Levels, and Workings of every such Colliery and Mine, and the travelling Roads to and from such Working-places, shall, under ordinary Circumstances, be in a fit State for working and passing therein:
2. All Entrances to any Place not in actual course of working and Extension, and suspected to contain dangerous Gas of any Kind, shall be properly fenced off so as to prevent Access thereto:
3. Whenever Safety Lamps are required to be used, they shall be first examined and securely locked by a Person or Persons duly authorized for this Purpose:
4. Every Shaft or Pit which is out of Use, or used only as an Airpit, shall be securely fenced:
5. Every working and pumping Pit or Shaft shall be properly fenced, when Operations shall have ceased or been suspended:
6. Every working and pumping Pit or Shaft where the natural Strata, under ordinary Circumstances, are not safe, shall be securely cased or lined or otherwise made secure:
7. Every working Pit or Shaft shall be provided with some proper Means of communicating distinct and definite Signals from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:
8. All underground self-acting and Engine Planes on which Persons travel are to be provided with some proper Means of signalling between the Stopping-places and the Ends of the Planes, and with sufficient Places of Refuge at the Sides of such Planes at Intervals of not more than Twenty Yards:
9. A sufficient Cover overhead shall be used when lowering

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ing or raising Persons in every working Pit or Shaft where required by the Inspectors :

10. No single-linked Chain shall be used for lowering or raising Persons in any working Pit or Shaft, except the short Coupling Chain attached to the Cage or Load :

11. Flanges or Horns of sufficient Length or Diameter shall be attached to the Drum of every Machine used for lowering or raising Persons :

12. A proper Indicator to show the Position of the Load in the Pit or Shaft, and also an adequate Break, shall be attached to every Machine, worked by Steam or Water Power, used for lowering or raising Persons :

13. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve :

14. The Fly Wheel of every Engine shall be securely fenced :

15. Sufficient Bore Holes shall be kept in advance, and, if necessary, on both Sides to prevent Inundations in every Working approaching a Place likely to contain a dangerous Accumulation of Water.

Special Rules to be also established.

XI. In addition to the General Rules, there shall be established and observed in every Coal Mine, Colliery, or Ironstone Mine such other Rules (herein-after referred to as Special Rules) for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine, Colliery, or Ironstone Mine, and of all Persons employed in or about the same, as under the particular State and Circumstances of such Coal Mine, Colliery, or Ironstone Mine may appear best calculated to prevent dangerous Accidents.

Present Special Rules to continue in force.

XII. The Special Rules now established and in force under the Act hereby repealed, in any Coal Mine or Colliery, shall remain and be the Special Rules therein, and be of the same Force and subject to be amended by the same Authority and in like Manner as if established under this Act.

New Special Rules how to be established.

XIII. The Owner of every Ironstone Mine and of every Coal Mine or Colliery, in which Special Rules are not now established and in force as aforesaid, shall frame and transmit to One of Her Majesty's Principal Secretaries of State Special Rules for such Ironstone Mine and Coal Mine or Colliery respectively; provided always, that such Special Rules shall be hung up in the Manner provided in the Fifteenth Section of this Act for the Period of Fourteen Days before the same are transmitted to the Secretary of State; such Special Rules for every such Mine or Colliery in work at the Commencement of this Act to be framed and transmitted as aforesaid within Three Months after such Commencement, and for every such Mine or Colliery not then in work to be so framed and transmitted within

within Three Months after the working of such Mine or Colliery shall be commenced or renewed; and such Rules if not objected to by such Secretary of State within Forty Days from the Day upon which they are received by him shall be established:

If such Secretary of State be of opinion that such Rules, or any of them, do not sufficiently provide for the Safety of the Persons employed in or about such Mine or Colliery, he may within such Forty Days propose any Alterations in or Additions to such Special Rules, or the Substitution of any other Rules for such Special Rules or any of them:

If such Owner within Twenty Days object to any such Alterations or Additions or Rules by way of Substitution proposed as aforesaid, he may within Fourteen Days after he has so objected nominate Five or more practical Mining Engineers or other competent Persons of Experience, and who shall not be interested in or employed in the Management of such Mine or Colliery, of whom such Secretary of State shall appoint One or more to be an Arbitrator or Arbitrators, to determine the Matters in difference, and to decide what Special Rules shall be established in such Mine or Colliery, and the Determination of such Arbitrator, or of such Arbitrators or the Majority of them, if more than One, shall be final, and the Special Rules shall be established accordingly:

If such Owner do not within such Fourteen Days nominate such Mining Engineers or other competent Persons as aforesaid, then Two such Mining Engineers, or other competent Persons as aforesaid, shall be appointed Arbitrators, One of whom shall be named by such Owner and the other by the Inspector of the District:

The said Arbitrators so appointed shall, before they proceed in the Arbitration, appoint a Third Person being such Mining Engineer, or other competent Person as aforesaid, to be their Umpire in case of Difference of Opinion between them, and in case such Arbitrators so appointed refuse or neglect to appoint such Umpire as aforesaid for the Space of Seven Days after their Appointment, or of the Appointment of such One of them as was last appointed, the Chairman of the General or Quarter Sessions of the Peace in and for the County, Riding, or Division where such Mine or Colliery may be situate in *England*, and the Sheriff of the County or Division of the County where such Mine or Colliery may be situate in *Scotland*, upon the Application in Writing by or on behalf of such Owner, or the Inspector of the District, shall appoint such Umpire; and the Determination of such Arbitrators and the said Umpire, or of any Two of them, shall be final, and the Special Rules shall be established accordingly:

In case of the Death, Incapacity, or Refusal or Neglect to act

act of any Arbitrator appointed under this Act, another Arbitrator shall be appointed in his place in manner following; (that is to say,) in case the Place to be supplied be that of an Arbitrator appointed from among the Nominees of the Owner of a Mine or Colliery, then another Arbitrator shall be appointed by the Secretary of State from among such of the said Nominees as may not have been appointed as herein-before mentioned an Arbitrator or Arbitrators, or in case of Notice to that Effect from the Secretary of State to such Owner, shall be appointed by the Secretary of State from among Five competent Persons to be, within Fourteen Days after Receipt of such Notice, nominated by such Owner to the Secretary of State; and in case the Vacancy be that of an Arbitrator appointed by the Owner or the Inspector of the District, such Vacancy shall be supplied by such Owner or the Inspector of the District, as the Case may require; and in case of the Death, Incapacity, or Refusal or Neglect to act of any Umpire appointed as aforesaid, or of the Death, Incapacity, or Refusal or Neglect to act of either of the Arbitrators originally appointed before the Appointment of an Umpire, the Provisions herein contained concerning the Appointment of an Umpire by such Arbitrators, and concerning the Appointment of an Umpire in default of such Appointment by such Arbitrators, shall respectively be applicable to authorize the Appointment of such Umpire by the Arbitrators for the Time being, and to the Case of Default by them to make such Appointment within Seven Days after Notice in Writing from either of the Arbitrators to the other of them of the Death, Incapacity, or Refusal or Neglect to act of the Umpire, and to the Case of Default by the Arbitrators for the Time being to appoint an Umpire within Seven Days after their Appointment, or of the Appointment of such One of them as was last appointed:

If such Owner do not within Twenty Days from the Day on which such Alterations or Additions or such Rules by way of Substitution are proposed to him object to the same, or (not having made such Nomination to the Secretary of State as herein provided) do not within Fourteen Days after having objected as aforesaid appoint an Arbitrator, and give Notice in Writing of such Appointment to the Inspector of the District, or in case of the Death, Incapacity, or Refusal or Neglect to act of any Arbitrator appointed from among Nominees of such Owner, do not, within Fourteen Days after Receipt of such Notice from the Secretary of State as aforesaid, nominate Five competent Persons to the Secretary of State as aforesaid, or do not, within the like Period after Notice to such Owner by the Inspector of the District of the Death, Incapacity, or Refusal or Neglect to act of any Arbitrator appointed by such Owner, appoint

point an Arbitrator, and give Notice in Writing of such Appointment to the Inspector of the District, the Special Rules framed by such Owner as altered, added to, or modified by the Secretary of State shall be established:

The Amount of Payment to be made to the Arbitrator or Arbitrators and Umpire (if any) for his or their Services shall be fixed by the Secretary of State, and paid in equal Moieties by the Owner of the Mine or Colliery to which the Arbitration relates, and the Commissioners of Her Majesty's Treasury, who are hereby authorized to make such Payment accordingly out of any Monies provided by Parliament for that Purpose.

Special Rules may be amended from Time to Time.

XIV. Provided, That after such Special Rules are established it shall be lawful for the Owner of the Mine or Colliery to propose from Time to Time in Writing to One of Her Majesty's Principal Secretaries of State any Amendment of such Rules, and the Provisions in relation to the original Special Rules framed by the Owner, and Proposals in relation thereto by the Secretary of State, and the first Establishment of Special Rules, shall apply to the Amendments so proposed; and the Secretary of State may from Time to Time propose in Writing to the Owner of a Mine or Colliery any Amendments to the Special Rules thereof; and the Provisions in relation to Alterations or the Substitution of other Rules proposed by the Secretary of State where original Special Rules are transmitted to him, and the Establishment of Rules or Modifications of Rules proposed by him, shall apply to the Amendments so proposed by him under this Enactment.

Publication of Rules.

XV. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine, Colliery, or Ironstone Mine, the Owner or Agent thereof shall cause the General Rules and the Special Rules for such Coal Mine, Colliery, or Ironstone Mine to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business at the Coal Mine, Colliery, or Ironstone Mine, and at the Place where the Workmen are paid; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed; and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same who shall apply for such Copy.

Powers and Duties of Inspectors.

XVI. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine, Colliery, or Ironstone Mine, and the Works and Machinery belonging thereto, at all reasonable Times,

Times, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine, Colliery, or Ironstone Mine, and to make Inquiry into and touching the State and Condition of such Coal Mine, Colliery, or Ironstone Mine, Works, and Machinery, and the Ventilation of such Coal Mine, Colliery, or Ironstone Mine, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine, Colliery, or Ironstone Mine; and the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry.

Inspector to give Notice of Causes of Danger not provided for by the Rules.

XVII. If any Inspector find on any such Inspection, Examination, or Inquiry, any Mine or Colliery, or the Works or Machinery belonging thereto, or any Matter, Thing, or Practice in or connected with such Mine or Colliery, to be (otherwise than as provided against by any express Provision of this Act, or the General or Special Rules thereunder,) dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person, such Inspector shall give Notice in Writing to the Owner or Agent of such Mine or Colliery of the particular Grounds on which such Inspector is of Opinion that the said Mine or Colliery, or any Part thereof, or any other of the Particulars aforesaid, is dangerous or defective, and shall also report the same to one of Her Majesty's Principal Secretaries of State:

If the Owner or Agent object to remove or remedy the Danger or Defect which is the Subject of such Notice, he may within Twenty Days after the Receipt of such Notice give Notice in Writing of the Objections of such Owner or Agent, and of the Grounds thereof, to the said Inspector and to One of Her Majesty's Principal Secretaries of State, and nominate to such Secretary of State Five or more practical Mining Engineers or other competent Persons of Experience who shall not be interested in or employed in the Management of such Mine or Colliery, of whom the Secretary of State shall appoint One or more to be an Arbitrator or Arbitrators, and thereupon further Proceedings shall be had for the Determination of the Matters in difference by Arbitration, as herein provided in the Case of the Special Rules:

If such Owner or Agent do not give such Notice and make such Nomination as aforesaid within the Time aforesaid, the Owner of such Mine or Colliery shall be liable to a Penalty of One Pound for every Day beyond the said Twenty Days during

which he neglects to take proper and active Measures for removing or remedying the Danger or Defect which is the Subject of the said Notice given by the Inspector:

If the said Owner or Agent give such Notice and make such Nomination as aforesaid within the Time aforesaid, and the Matters in difference be determined by Arbitration, then if, after the said Owner or Agent has been furnished with a Copy of the Award attested by the Inspector for the District, the said Owner or Agent neglect forthwith to take proper and active Measures for removing or remedying any Danger or Defect which according to such Award ought to be removed or remedied, the Owner of such Mine or Colliery shall be liable to a Penalty of One Pound for every Day after the Receipt by the said Owner or Agent of such Copy of the Award during which the said Owner or Agent so neglects.

Owners of Mines to produce Maps or Plans of Mines to Inspector.

If Owners do not produce Maps, &c. Inspector may require them to be made.

XVIII. The Owner or Agent of every Coal Mine, Colliery, or Ironstone Mine shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid at the Mine which is to be inspected an accurate Map or Plan of the Workings of such Coal Mine, Colliery, or Ironstone Mine; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Coal Mine, Colliery, or Ironstone Mine is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine, Colliery, or Ironstone Mine be made within a reasonable Time by and at the Expense of the Owner of such Coal Mine, Colliery, or Ironstone Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Mine is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine, Colliery, or Ironstone Mine shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine, Colliery, or Ironstone Mine up to the Time of his Inspection thereof: Provided that nothing herein contained shall be construed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Notice of Accidents

XIX. If and when Loss of Life or any personal Injury to any Person employed in or about any Coal Mine, Colliery, or Ironstone

Ironstone Mine occurs by reason of any Explosion, and if and when Loss of Life or serious personal Injury to any Person so employed occurs by reason of any other Accident whatever within such Coal Mine, Colliery, or Ironstone Mine, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine shall, within Twenty-four Hours next after such Accident, send notice of such Accident, and the Loss of Life or personal Injury occasioned thereby, under the Hand of such Owner or Agent, in *England* to One of Her Majesty's Principal Secretaries of State, in *Scotland* to the Lord Advocate, and in all Cases to the Inspector of the District within which such Accident shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office by Letter addressed to such Secretary of State or Lord Advocate, and to the Inspector of the District at his usual Place of Residence; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty not exceeding Twenty Pounds.

in Mines to be given to Secretary of State.

XX. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall, unless the Inspector of the District or some Person on behalf of the Secretary of State be present to watch the Proceedings at such Inquest, adjourn such Inquest, and by Letter sent through the Post Office, Four Days at the least before holding such adjourned Inquest, addressed to the Inspector of the District, give Notice to such Inspector of the Time and Place of holding the same; provided that such Coroner may before the Adjournment of any such Inquest take Evidence to identify the Body, and may order the Interment thereof; provided also, that if the Accident has not occasioned more than One Death, and Notice of the Inquest has been given by the Coroner to the Inspector of the District by Letter sent through the Post Office not less than Forty-eight Hours before the Time of holding the Inquest, it shall not be imperative on the Coroner to adjourn such Inquest as aforesaid, in case the Majority of the Jury think it unnecessary so to adjourn; and the Inspector shall be at liberty to examine any Witness at any such Inquest, subject to the Order of the Coroner.

Provision for Adjournment of Inquests on Deaths from Accidents in Mines in certain Cases.

XXI. Where any Coal Mine, Colliery, or Ironstone Mine is abandoned, or the Working thereof discontinued, or where the Working thereof is recommenced after Abandonment or Discontinuance, for a Period exceeding Two Months, or where any Workings are commenced for the Purpose of opening a New Coal Mine or Ironstone Mine, the Owner or Agent of the respective

Notice to be given to Inspector of the Abandonment and Opening of Mines.

spective Mine or Working shall in every such Case give Notice thereof to the Inspector of the District, by Letter sent through the Post Office, within Two Months after such Abandonment, Discontinuance, Recommencement, or Commencement of working, as the Case may be; and where any such Mine or Colliery is abandoned, or the working thereof discontinued, the Owner thereof shall cause the same to be, and to be kept, securely fenced, for the Prevention of Accidents.

Penalties for Offences against this Act.

XXII. If any Coal Mine, Colliery, or Ironstone Mine be worked, and, through the Default of the Owner or Agent thereof, Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine, Colliery, or Ironstone Mine, by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules, Provisions of which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine, Colliery, or Ironstone Mine, be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person shall be liable to a Penalty of not exceeding Twenty Pounds; and also, in case the Default or Neglect be not remedied with all reasonable Despatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine, to a further Penalty of One Pound for every Day during which the Offence continues after such Notice: and every Person, other than aforesaid, employed in or about a Coal Mine, Colliery, or Ironstone Mine, who neglects or wilfully violates any of the Special Rules established for such Coal Mine, Colliery, or Ironstone Mine, shall for every such Offence be liable, upon a summary Conviction for the same before Two Justices of the Peace, or in *Scotland* before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, to a Penalty not exceeding Two Pounds, or to be imprisoned, with or without Hard Labour, in the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months: Provided always, that no Justice of the Peace being the Owner of the Mine, or the Father, Son, Brother, or Agent of any Owner of the Mine, in which the Offence set forth in the Complaint shall have been committed, shall, at the Hearing of any Complaint or Charge, act as a Justice of the Peace for the Purposes of Conviction or Adjudication in any Cases of Dispute or Difference between Persons employed in working Mines and their Employers in which Justices of the Peace have Jurisdiction.

Penalty for ob-

XXIII. Every Person who wilfully obstructs any Inspector in the Execution of this Act, and every Owner or Agent of any Coal

Coal Mine, Colliery, or Ironstone Mine who refuses or neglects to produce, as herein-before required, a Map or Plan of the Workings of the Mine to any Inspector, or to furnish to such Inspector the means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, or who neglects or wilfully violates any Provision of this Act for the Neglect or Violation of which no other Penalty is hereby imposed, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds. Obstructing Inspectors.

XXIV. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings. Penalty for defacing Notices.

XXV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in *Scotland* before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf, the Information to be laid, or Action raised, within Three Months after the Commission of the Offence; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, or for any Offence against this Act which may have occasioned Loss of Life or personal Injury, shall be paid to or among any of the Family or Relatives of any Person or Persons whose Death may have been occasioned by such Accident or Offence, and not being a Person or Persons who occasioned or contributed to occasion the Accident, or to any Person or Persons, not being the Offender or Offenders, who may have sustained personal Injury occasioned by such Accident or Offence, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom. Penalties, how recoverable.

XXVI. A Copy of the Special Rules for the Time being established in any Coal Mine, Colliery, or Ironstone Mine, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine, Colliery, or Ironstone Mine, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof, and such Inspector shall certify such Copy when required. Certified Copy of Special Rules to be Evidence.

XXVII. Every Inspector shall on or before the First Day of *March* in every Year make a separate and distinct Report in Writing Reports of Inspectors to be

laid before Parliament.

Writing of his Proceedings during the preceding Year, and shall transmit the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Wages to be paid to Person employed in Mines, or his Representative, in Money.

XXVIII. The Wages of each and every Person employed in any Coal Mine, Colliery, or Ironstone Mine shall be paid to him or his Representative authorized or deputed to that Effect by his immediate Employer in Money at an Office to be appointed for that Purpose in the Special Rules for such Mine or Colliery, and such Office shall not be contiguous to any House where Spirits, Wine, Beer, or other Spirituous Liquors are sold; and every Owner or Agent, or such Employer, who shall pay or permit any Wages to be paid contrary to the Provisions of this Act, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Where Payment of Persons employed in Mines is by Weight, &c. an Account may be taken.

XXIX. Where the Persons employed in any Coal Mine, Colliery, or Ironstone Mine are paid by the Weight, Measure, or Gauge of the Coal, Ironstone, or other Material gotten by them, such Coal, Ironstone, or other Material shall be truly weighed measured, or gauged accordingly; and it shall be lawful for such Persons, at their own Cost, to station a Person being One of the Persons for the Time being employed in such Coal Mine, Colliery, or Ironstone Mine, at the Place appointed for such weighing, measuring, or gauging, in order to take an Account thereof, and to take an Account of the Weight, Measure, or Gauge used therein on behalf of such Persons by whom he is so employed; but such Persons so employed shall not be authorized in any way to impede or interrupt the working of the Coal Mine, Colliery, or Ironstone Mine, or to interfere with the weighing, measuring, or gauging, but shall only be authorized to take such Account as aforesaid; and the Absence of such Person shall not be a reason for delaying or interrupting such weighing, measuring, or gauging.

Extent of Act.

XXX. This Act shall not extend to *Ireland*.

Commencement of Act.

XXXI. This Act shall commence from the Thirty-first Day of *December* One thousand eight hundred and sixty.

CAP. CLII.

An Act to facilitate internal Communication in Ireland *by means of Tramroads or Tramways.*—[28*th* August 1860.]

CAP. CLIII.

An Act to amend the Law relating to the Tenure and Improvement of Land in Ireland.—[28*th* August 1860.]

CAP. CLIV.

An Act to consolidate and amend the Law of Landlord and Tenant in Ireland.—[28*th* August 1860.]

APPENDIX.

NOTE.—*The Provisions of this and the following Act* (1 & 2 *W. IV. c.* 32, *and* 2 & 3 *Vict. c.* 35), *relating to Licences to deal in Game, are extended to Scotland by* 23 & 24 *Vict. c.* 90, § 13.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

CAP. XXXII.

An Act to amend the Laws in England *relative to Game.*—[5*th* October 1831.]

WHEREAS it is expedient to repeal the following Statutes in that Part of the United Kingdom called *England*, relative to Game, and to substitute other Provisions in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of a Statute made in the Thirteenth Year of the Reign of King *Richard* the Second as relates to such Persons as shall not have or keep any Greyhound, Hound, or other Dog to hunt, and shall not use Fyrets, Heys, Nets, Harepipes, Cords, or other Engines to take or destroy Hares, Conies, or other Gentlemen's Game; and so much of a Statute made in the Twenty-second Year of the Reign of King *Edward* the Fourth as relates to the having any Mark or Game of Swans; and an Act passed in the Eleventh Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking of Feasaunts and Partridges;* and an Act passed in the Nineteenth Year of the same Reign, intituled *De Laqueis et Retibus Venantium;* and an Act passed in the Fourteenth and Fifteenth Years of the Reign of King *Henry* the Eighth, intituled *An Act against tracing of Hares;* and an Act passed in the Twenty-fifth Year of the same Reign, intituled *An Act against Destruction of Wild Fowl;* and an Act passed in the Thirty-third Year of the same Reign, intituled *An Act concerning Cross Bows and Hand Guns;* and an Act passed

Repeal of 13 Ric. 2. st. 1. c. 13

22 Edw. 4. c. 6.

11 Hen. 7. c. 17.

19 Hen. 7. c. 11.

14 & 15 H. 8. c. 10.

25 Hen. 8. c. 11.

33 Hen. 8. c. 6.

23 Eliz. c. 10. passed in the Twenty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Preservation of Pheasants and Partridges*; and an Act passed in the Second Year of the Reign of King *James* the First, intituled *An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow*; and an Act passed in the Seventh Year of the same Reign, intituled *An Act to prevent the Spoil of Corn and Grain by untimely hawking, and for the better Preservation of Pheasants and Partridges*; and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second, intituled *An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm*; and an Act passed in the Fourth Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom*; and an Act passed in the Fifth Year of the Reign of Queen *Anne*, intituled *An Act for the better Preservation of the Game*; and an Act passed in the Ninth Year of the same Reign, intituled *An Act for making the Act of the Fifth Year of Her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual*; and an Act passed in the Eighth Year of the Reign of King *George* the First, intituled *An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game*; and an Act passed in the Tenth Year of the Reign of King *George* the Second, intituled *An Act for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; and for continuing Two Clauses, to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hopbinds, contained in an Act passed in the Sixth Year of His present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls or Banks, and of Persons maliciously setting on Fire any Mine, Pit, or Delph of Coal or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer, in Forests or Chases, or beating or wounding Keepers or other Officers in Forests, Chases, or Parks; and for more effectually securing the Breed of Wild Fowl*; and an Act passed in the Twenty-sixth Year of the same

2 Jac. 1. c. 27.

7 Jac. 1. c. 11.

22 & 23 Car. 2. c. 25.

4. W. & M. c. 23.

5 Ann. c. 14.

9 Ann. c. 25.

8 G. 1. c. 19.

10 G. 2. c. 32.

same Reign, intituled *An Act to amend an Act made in the Eighth Year of the Reign of His late Majesty King* George *the First, intituled, 'An Act for the better Recovery of the 'Penalties inflicted upon Persons who destroy the Game,' by enlarging the Time within which Suits and Actions are to be brought by force of the said Act;* and an Act passed in the Twenty-eighth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend a Clause in an Act made in the Fifth Year of the Reign of Queen* Anne, *intituled 'An Act for the better Preservation of the Game,' in relation to the selling or offering to Sale any Game;* and an Act passed in the Second Year of the Reign of King *George* the Third, intituled *An Act for the better Preservation of the Game in that Part of* Great Britain *called* England; and an Act passed in the Thirteenth Year of the same Reign, intituled *An Act to explain and amend the several Laws now in being, so far as the same relate to the Preservation of the Moor or Hill Game;* and an Act passed in the same Year of the same Reign, intituled *An Act to repeal an Act made in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for the 'better Preservation of the Game within that Part of* Great 'Britain *called* England,' *and for making other Provisions in lieu thereof;* and an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for repealing Two Acts passed in the Thirty-sixth Year of the Reign of His present Majesty, which limit the Time for killing Partridges in* England *and* Scotland, *and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as relates to such Limitation within that Part of* Great Britain *called* England, *by making other Provisions for that Purpose;* and an Act passed in the Forty-third Year of the same Reign, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the* New Forest *in the County of* Southampton; and an Act passed in the Forty-eighth Year of the same Reign, intituled *An Act to repeal so much of an Act of the First Year of King* James *the First as relates to the Penalties on shooting at Hares; and also to repeal an Act of the Third Year of King* George *the First, relating to Game-keepers;* and an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the Counties of* Somerset *and* Devon; and an Act passed in the Fifty-eighth Year of the same Reign, intituled *An Act for the more effectual Prevention of Offences connected with the unlawful Destruction and Sale of Game;* and an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act for the further*

26 G. 2. c. 2.

28 G. 2. c. 12.

2 G. 3. c. 19.

13 G. 3. c. 55.

13 G. 3. c. 80.

39 G. 3. c. 34.

43 G. 3. c. 112.

48 G. 3. c. 93.

50 G. 3. c. 67.

53 G. 3. c. 75.

59 G. 3. c. 102.

further regulating the Appointment of Gamekeepers in Wales; and all Acts continuing or perpetuating any of the Acts or Parts of Acts herein-before referred to, so far only as relates to the continuing or perpetuating the same respectively; shall be and continue in force until and throughout the Thirty-first Day of *October* in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England*, be repealed (except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to any Offences which may have been committed against any of the said Acts before or upon the said Thirty-first Day, and as to any Penalties which may have been incurred thereunder before or upon the said Thirty-first Day, which Offences shall be dealt with and punished, and the Penalties recovered, as if this Act had not been made, and except as to any Matters done by any Persons under the Authority of any of the said Acts before or upon the said Thirty-first Day, with respect to whom every Privilege and Protection given by any of the said Acts shall continue in force as if this Act had not been made); and this Act shall commence and take effect (except as is herein-after excepted) on the First Day of *November* in the present Year.

Commencement of this Act.

What shall be deemed Game.

II. And be it enacted, That the word "Game" shall for all the Purposes of this Act be deemed to include Hares, Pheasants, Partridges, Grouse, Heath or Moor Game, Black Game, and Bustards; and that the Words "Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty," shall throughout this Act be deemed to include a Lady of the same respectively.

Days and Seasons during which Game shall not be killed.

III. And be it enacted, That if any Person whatsoever shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking any Game, on a *Sunday* or *Christmas Day*, such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction; and if any Person whatsoever shall kill or take any Partridge between the First Day of *February* and the First Day of *September* in any Year, or any Pheasant between the First Day of *February* and the First Day of *October* in any Year, or any Black Game (except in the County of *Somerset* or *Devon*, or in the *New Forest* in the County of *Southampton*,) between the Tenth Day of *December* in any Year and the Twentieth Day of *August* in the succeeding Year, or in the County of *Somerset* or *Devon*, or in the *New Forest* aforesaid, between the Tenth Day of *December* in any Year and the First Day of *September* in the succeeding Year, or any Grouse, commonly

commonly called Red Game, between the Tenth Day of *December* in any Year and the Twelfth Day of *August* in the succeeding Year, or any Bustard between the First Day of *March* and the first Day of *September* in any Year, every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so killed or taken such Sum of Money, not exceeding One Pound, as to the said Justices shall seem meet, together with the Costs of the Conviction; and if any Person, with Intent to destroy or injure any Game, shall at any Time put or cause to be put any Poison or poisonous ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for laying Poison to kill Game.

IV. And be it enacted, That if any Person licensed to deal in Game by virtue of this Act as herein-after mentioned shall buy or sell, or knowingly have in his House, Shop, Stall, Possession, or Controul, any Bird of Game after the Expiration of Ten Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; or if any Person, not being licensed to deal in Game by virtue of this Act as herein-after mentioned, shall buy or sell any Bird of Game after the Expiration of Ten Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid, or shall knowingly have in his House, Possession, or Controul any Bird of Game (except Birds of Game kept in a Mew or Breeding Place) after the Expiration of Forty Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons, from the Expiration of the Season.

V. And be it enacted, That nothing in this Act contained shall in anywise affect or alter (except as herein-after mentioned) any Act or Acts now in force by which any Persons using any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or any Woodcock, Snipe, Quail, or Landrail, or any Conies, are required to obtain and have annual Game

This Act not to affect the existing Laws respecting Game Certificates.

Game Certificates; but that all Persons who before the Commencement of this Act were required to obtain and have such Certificates shall after the Commencement of this Act be required from Time to Time to obtain and have the like Certificates; and all the Powers, Provisions and Penalties contained in such Act or Acts shall continue in as full Force and Effect as if this Act had not been made; and that all Regulations and Provisions contained in any Act or Acts relative to Game Certificates, so far as they relate to Gamekeepers of Manors, and to the Amount of Duty for Game Certificates to be charged upon or in respect of Gamekeepers of Manors in the Cases specified in such Act or Acts, shall extend and apply to all Gamekeepers of Lands appointed under this Act as fully and effectually as if they were Gamekeepers of Manors, and were expressly mentioned in and charged by such Act or Acts.

Every certificated Person may kill Game, subject to the Law of Trespass.

Proviso as to Gamekeepers.

VI. And be it declared and enacted, That every Person who shall have obtained an annual Game Certificate shall be authorized to kill and take Game, subject always to an Action, or to such other Proceedings as are herein-after mentioned, for any Trespass by him committed in search or pursuit of Game: Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to kill or take any Game, or to use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, except within the Limits included in his Appointment as Gamekeeper; but that in any Case where such Gamekeeper shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, beyond such Limits as aforesaid, he may be proceeded against under this Act, or otherwise, in the same Manner to all Intents and Purposes as if he had no Game Certificate whatsoever.

Under existing Leases the Landlord shall have the Game except in certain Cases.

VII. And be it enacted, That in all Cases where any Person shall occupy any Land under any Lease or Agreement made previously to the passing of this Act, except in the Cases herein-after next excepted, the Lessor or Landlord shall have the Right of entering upon such Land, or of authorizing any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Land, for the Purpose of killing or taking the Game thereon; and no Person occupying any Land under any Lease or Agreement, either for Life or for Years, made previously to the passing of this Act shall have the Right to kill or take the Game on such Land, except where the Right of killing the Game upon such Land has been expressly granted or allowed to such Person by such Lease or Agreement, or except where upon

upon the original granting or Renewal of such Lease or Agreement a Fine or Fines shall have been taken, or except where in the Case of a Term for Years such Lease or Agreement shall have been made for a Term exceeding Twenty-one Years.

This Act not to affect any existing or future Agreements respecting Game, nor any Rights of Manor, Forest, Chase, or Warren.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize any Person seised or possessed of or holding any Land to kill or take the Game, or to permit any other Person to kill or take the Game upon such Land, in any Case where, by any Deed, Grant, Lease, or any written or parol Demise or Contract, a Right of Entry upon such Land for the Purpose of killing or taking the Game hath been or hereafter shall be reserved or retained by or given or allowed to any Grantor, Lessor, Landlord, or other Person whatsoever; nor shall any thing in this Act contained defeat or diminish any Reservation, Exception, Covenant, or Agreement already contained in any private Act of Parliament, Deed, or other Writing relating to the Game upon any Land, nor in any Manner prejudice the Rights of any Lord or Owner of any Forest, Chase, or Warren, or of any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or of any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty.

This Act not to affect any of His Majesty's Forest Rights, &c.

IX. Provided also, and be it enacted, That nothing in this Act contained shall in any way alter or affect the Prerogative, Rights, or Privileges of His Majesty, His Heirs or Successors, nor the Powers or Authorities now vested in the Commissioners of His Majesty's Woods, Forests, and Land Revenues, in or relating to any of His Majesty's Forests or the Boundaries thereof, nor in or relating to the Appointment of any Stewards, Gamekeepers, or other Officers of any of His Majesty's Forests, Parks, or Chases, or of any Hundred, Honor, Manor, or Lordship being Part of the Possessions and Land Revenues of the Crown, nor the Rights, Privileges, or Immunities of any Chief Justice in Eyre, or any Warden, Deputy Warden, or Lieutenant of any of His Majesty's Forests, or any Rangers, Verderers, Foresters, Master-keepers, Under-keepers, or other Officers of or in any such Forests, Parks, or Chases, or of any Person entitled to any Right or Privilege under them or any of them, nor the Rights or Privileges of any Persons holding under any Grants or Purchases from the Crown, nor give to any Lord of any Manor or Manors within any Forest or the Boundaries thereof, nor to any other Person whatsoever, any Privileges, Rights, or Powers within any such Forest, Park, or Chase, or the Boundaries thereof, which he did not possess or to which he was not entitled before the passing of this Act; but that all the aforesaid Prerogatives, Immunities, Privileges, Rights, and Powers shall remain as if this Act had not been made.

X. Pro-

Nor to affect any Cattlegates or Right of Common.

X. Provided also, and be it enacted, That nothing herein contained shall be deemed to give to any Owner of Cattlegates or Rights of Common upon or over any Wastes or Commons any Interest or Privilege which such Owner was not possessed of before the passing of this Act, nor to authorize such Owner of Cattlegates or Rights of Common to pursue or kill the Game found on such Wastes or Commons: and that nothing herein contained shall defeat or diminish the Rights or Privileges which any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, may, before the passing of this Act, have exercised in or over such Wastes or Commons; and that the Lord or Steward of the Crown of every Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall have the Right to pursue and kill the Game upon the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, and to authorize any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Wastes or Commons for the Purpose of pursuing and killing the Game thereon.

Lord of Manor to have the Game on the Wastes.

Landlord, having the Game, may authorize others to kill it.

XI. And be it enacted, That where the Lessor or Landlord shall have reserved to himself the Right of killing the Game upon any Land, it shall be lawful for him to authorize any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Land for the Purpose of pursuing and killing Game thereon.

Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it.

XII. And be it enacted, That where the Right of killing the Game upon any Land is by this Act given to any Lessor or Landlord, in exclusion of the Right of the Occupier of such Land, or where such exclusive Right hath been or shall be specially reserved by or granted to, or doth or shall belong to, the Lessor, Landlord, or any Person whatsoever other than the Occupier of such Land, then and in every such Case, if the Occupier of such Land shall pursue, kill, or take any Game upon such Land, or shall give Permission to any other Person so to do, without the Authority of the Lessor, Landlord, or other Person having the Right of killing the Game upon such Land, such Occupier shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Pursuit such Sum of Money not exceeding Two Pounds, and for every Head of Game so killed or taken such Sum of Money not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

Lords of Manors may ap-

XIII. And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or

or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to his Majesty, by Writing under Hand and Seal, or in Case of a Body Corporate, then under the Seal of such Body Corporate, to appoint One or more Person or Persons as a Gamekeeper or Gamekeepers to preserve or kill the Game within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for the Use of such Lord or Steward thereof, and to authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take for the Use of such Lord or Steward all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate.

point Gamekeepers.

Powers of Gamekeepers in Manors.

XIV. And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, to appoint and depute any Person whatever, whether acting as a Gamekeeper to any other Person or not, or whether retained and paid for as the Male Servant of any other Person or not, to be a Gamekeeper for any such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or for such Division or District of such Manor, Lordship, or Royalty, as such Lord or Steward of the Crown shall think fit, and to authorize such Person, as Gamekeeper, to kill Game within the same for his own Use or for the Use of any other Person or Persons who may be specified in such Appointment or Deputation, and also to give to such Person all such Powers and Authorities as may by virtue of this Act be given to any Gamekeeper of a Manor; and no Person so appointed Gamekeeper, and empowered to kill Game for his own Use or for the Use of any other Person so specified as aforesaid, and not killing any Game for the Use of the Lord or Steward of the Crown of the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for which such Deputation or Appointment shall be given, shall be deemed to be or shall be entered or paid for as the Gamekeeper or Male Servant of the Lord or Steward making such Appointment or Deputation, any thing in any Act or Acts contained to the contrary notwithstanding.

Lords of Manors may grant Deputations.

XV. And be it enacted, That it shall be lawful for every Person who shall be entitled to kill the Game upon any Lands in *Wales* of the clear annual Value of Five hundred Pounds, whereof he shall be seised in Fee or as of Freehold, or to which he shall otherwise be beneficially entitled in his own Right, if such Lands shall not be within the Bounds of any Manor, Lordship, or Royalty, or if, being within the same, they shall have been enfranchised

Regulations respecting Appointment of Gamekeepers in Wales.

franchised or alienated therefrom, to appoint, by Writing under his Hand and Seal, a Gamekeeper or Gamekeepers to preserve or kill the Game over and upon such his Lands, and also over and upon the Lands in *Wales* of any other Person, who, being entitled to kill the Game upon such last-mentioned Lands, shall by Licence in Writing authorize him to appoint a Gamekeeper or Gamekeepers to preserve or kill the Game thereupon, such last-mentioned Lands not being within the Bounds of any Manor, Lordship, or Royalty, or having been enfranchised or alienated therefrom; and it shall be lawful for the Person so appointing a Gamekeeper or Gamekeepers to authorize him or them to seize and take, for the Use of the Person so appointing, upon the Lands of which he or they shall be appointed Gamekeeper or Gamekeepers, all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used upon the said Lands by any Person not authorized to kill Game for Want of a Game Certificate.

All Appointments of Gamekeepers to be registered with the Clerk of the Peace.

XVI. Provided always, and be it enacted, That no Appointment or Deputation of any Person as a Gamekeeper by virtue of this Act shall be valid unless and until it shall be registered with the Clerk of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or the Lands, shall be situate, for or in respect of which such Person shall have been appointed Gamekeeper; and in case the Appointment of any Person as Gamekeeper shall expire or be revoked, by Dismissal or otherwise, all Powers and Authorities given to him by virtue of this Act shall immediately cease and determine.

Certificated Persons may sell Game to licensed Dealers.

XVII. And be it enacted, That every Person who shall have obtained an annual Game Certificate shall have Power to sell Game to any Person licensed to deal in Game, according to the Provisions herein-after mentioned: Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to sell any Game, except on the Account and with the written Authority of the Master whose Gamekeeper he is: but that any such Gamekeeper selling any Game not on the Account and with the written Authority of such Master may be proceeded against under this Act in the same Manner, to all Intents and Purposes, as if he had no Game Certificate whatsoever.

Proviso as to Gamekeepers.

Justices to hold a Special Session yearly for granting

XVIII. And be it enacted, That the Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Session in the Division or District for which they usually act, in the present Year, between the Fifteenth

teenth and the Thirtieth Days of *October*, and in every succeeding Year in the Month of *July*, for the Purpose of granting Licences to deal in Game, of the holding of which Session Seven Days Notice shall be given to each of the Justices acting for such Division or District; and the Majority of the Justices assembled at such Session, or at some Adjournment thereof, not being less than Two, are hereby authorized (if they shall think fit) to grant, under their Hands, to any Person being a Householder or Keeper of a Shop or Stall within such Division or District, and not being an Innkeeper or Victualler, or licensed to sell Beer by Retail, nor being the Owner, Guard, or Driver of any Mail Coach, or other Vehicle employed in the Conveyance of the Mails of Letters, or of any Stage Coach, Stage Waggon, Van, or other public Conveyance, nor being a Carrier or Higgler, nor being in the Employment of any of the above-mentioned Persons, a Licence according to the Form in the Schedule (A.) annexed to this Act, empowering the Person to whom such Licence shall be so granted to buy Game at any Place from any Person who may lawfully sell Game by virtue of this Act, and also to sell the same at One House, Shop, or Stall only, kept by him; provided that every Person, while so licensed to deal in Game as aforesaid, shall affix to some Part of the Outside of the Front of his House, Shop, or Stall, and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname, together with the following Words (that is to say), "Licensed to deal in Game;" and every such Licence granted in the present Year shall begin to be in force on the First Day of *November* in the present Year, and shall continue in force until the Fifteenth Day of *July* One thousand eight hundred and thirty-two, and every such Licence granted in any succeeding Year shall continue in force for the Period of One Year next after the granting thereof.

Licences to Persons to deal in Game.

Dealers in Game to put up a Board.

XIX. And be it enacted, That every Person who shall have obtained any Licence to deal in Game under the Provisions of this Act shall annually and during the Continuance of his Licence, and before he shall be empowered to deal in Game under such Licence, obtain a Certificate according to the Form in the Schedule (B.) annexed to this Act, on Payment of the Duty of Two Pounds, which is hereby granted and made payable to His Majesty for every such Certificate, which Certificate shall be in force for the same Period as such Licence; and the said Duty shall be paid to the Collector or Collectors of the Assessed Taxes for the Parish, Township, or Place in which the Person so licensed shall reside, in like Manner as the Duties on Game Certificates are by Law payable; and every Receipt to be given by any Collector receiving such Duty shall be free of Stamp Duty, and

Persons licensed to deal in Game must take out a Certificate with a Duty of 2*l*.

and shall be delivered to the Person requiring the same on Payment to the Collector of One Shilling, and no more, over and above the said Duty for the Certificate; and such Receipt shall be exchanged for a Certificate under this Act, in like Manner as Receipts for the Duty in respect of killing Game are by Law required to be exchanged for Game Certificates; and if any Person obtaining a Licence under this Act shall purchase or sell or otherwise deal in Game, as a licensed Dealer under this Act, before he shall obtain a Certificate in exchange for a Receipt as herein directed, such Person shall for every such Offence forfeit and pay the Penalty of Twenty Pounds.

Collectors to make out List of Persons who have obtained Licences to deal in Game.

XX. And be it enacted, That the Collector or Collectors of the Assessed Taxes in every Parish, Township, or Place wherein any Person shall reside who shall have obtained such annual Licence and Certificate, shall in each Year make out a List, to be kept in his or their Possession, containing the Name and Place of Abode of every such Person, and shall at all seasonable Hours produce such List to any Person making verbal Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling; and the Duties hereby granted as aforesaid in respect of Certificates to be obtained by Persons licensed to deal in Game shall be assessed, charged, raised, levied, and collected by the respective Commissioners and Justices of the Peace, and the several other Officers acting in the Execution of the several Acts relating to the Assessed Taxes, in the same Manner, and under the same Rules, Regulations, and Provisions (except as herein varied), as the Duties on Game Certificates are by the said Acts directed to be assessed, charged, raised, levied, and collected; and that the Penalty of Twenty Pounds hereby imposed shall be sued for, recovered, and levied, either in the District in which the Offence shall be committed or in the District in which the Offender shall reside, and be applied in the same Manner, and under the same Rules, Regulations, and Provisions, as Penalties on Persons doing Acts without Payment of the Game Duty, or neglecting to obtain Game Certificates, are by the said Acts directed to be sued for, recovered, levied, and applied, to all Intents and Purposes whatsoever as if such Rules, Regulations, and Provisions were specially repeated and re-enacted in this Act.

Proviso as to Partners.

XXI. Provided always, and be it enacted, That Persons being in Partnership, and carrying on their Business at One House, Shop, or Stall only, shall not be obliged by virtue of this Act to take out more than One Licence in any One Year to authorize them to deal in Game at such House, Shop, or Stall.

Licences when to become void.

XXII. And be it enacted, That if any Person licensed by virtue of this Act to deal in Game shall during the Period of such

such Licence be convicted of any Offence whatever against this Act, such Licence shall thereupon become null and void.

Penalty for killing Game without a Certificate.

XXIII. And be it enacted, That if any Person shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of searching for or killing or taking Game, such Person not being authorized so to do for Want of a Game Certificate, he shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction: Provided always, that no Person so convicted shall by reason thereof be exempted from any Penalty or Liability under any Statute or Statutes relating to Game Certificates, but that the Penalty imposed by this Act shall be deemed to be a cumulative Penalty.

This Penalty to be cumulative.

Penalty for destroying or taking the Eggs of Game, &c.

XXIV. And be it enacted, That if any Person not having the Right of killing the Game upon any Land, nor having Permission from the Person having such Right, shall wilfully take out of the Nest or destroy in the Nest upon such Land the Eggs of any Bird of Game, or of any Swan, Wild Duck, Teal, or Widgeon, or shall knowingly have in his House, Shop, Possession, or Controul any such Eggs so taken, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Egg so taken or destroyed, or so found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding Five Shillings, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for selling Game without Licence, and on certificated Persons selling to unlicensed Persons.

XXV. And be it enacted, That if any Person not having obtained a Game Certificate (except such Person be licensed to deal in Game according to this Act) shall sell or offer for Sale any Game to any Person whatsoever; or if any Person authorized to sell Game under this Act by virtue of a Game Certificate shall sell or offer for Sale any Game to any Person whatsoever, except a Person licensed to deal in Game according to this Act; every such Offender shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money, not exceeding Two Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Exceptions as to Innkeepers.

XXVI. Provided always, and be it further enacted, That it shall be lawful for any Innkeeper or Tavernkeeper, without any such Licence for dealing in Game as aforesaid, to sell Game for Consumption in his own House, such Game having been procured from some Person licensed to deal in Game by virtue of this Act, and not otherwise.

Penalty on Persons

XXVII. And be it enacted, That if any Person, not being licensed

buying Game, except from licensed Dealers.

licensed to deal in Game according to this Act, shall buy any Game from any Person whatsoever, except from a Person licensed to deal in Game according to this Act, or *bonâ fide* from a Person affixing to the Outside of the Front of his House, Shop, or Stall, a Board purporting to be the Board of a Person licensed to deal in Game, every such Offender shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty on licensed Dealers buying Game from uncertificated Persons, or otherwise offending.

XXVIII. And be it enacted, That if any Person being licensed to deal in Game according to this Act shall buy or obtain any Game from any Person not authorized to sell Game for Want of a Game Certificate, or for Want of a Licence to deal in Game; or if any Person, being licensed to deal in Game according to this Act, shall sell or offer for Sale any Game at his House, Shop, or Stall, without such Board as aforesaid being affixed to some Part of the Outside of the Front of such House, Shop, or Stall, at the Time of such selling or offering for Sale, or shall affix or cause to be affixed such Board to more than One House, Shop, or Stall, or shall sell any Game, at any Place other than his House, Shop, or Stall where such Board shall have been affixed; or if any Person not being licensed to deal in Game according to this Act shall assume or pretend, by affixing such Board as aforesaid, or by exhibiting any Certificate, or by any other Device or Pretence, to be a Person licensed to deal in Game; every such Offender, being convicted thereof before Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

As to buying and selling Game by the Servants of a licensed Dealer.

XXIX. Provided always, and be it enacted, That the buying and selling of Game by any Person or Persons employed on the Behalf of any licensed Dealer in Game, and acting in the usual Course of his Employment, and upon the Premises where such dealing is carried on, shall be deemed to be a lawful buying and selling in every Case where the same would have been lawful if transacted by such licensed Dealer himself: Provided also, that nothing herein contained shall prevent any licensed Dealer in Game from selling any Game which shall have been sent to him to be sold on account of any other licensed Dealer in Game.

Penalty on Persons trespassing in the Day-time upon Lands in search of Game.

XXX. And whereas, after the Commencement of this Act, Game will become an Article which may be legally bought and sold, and it is therefore just and reasonable to provide some more summary Means than now by Law exist for protecting the same from Trespassers; be it therefore enacted, That if any Person

Person whatsoever shall commit any Trespass by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, such Person shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction; and that if any Persons to the Number of Five or more together shall commit any Trespass, by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, each of such Persons shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the said Justice shall seem meet, together with the Costs of the Conviction: Provided always, that any Person charged with any such Trespass shall be at liberty to prove, by way of Defence, any Matter which would have been a Defence to an Action at Law for such Trespass; save and except that the Leave and Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the Landlord, Lessor, or other Person shall have the Right of killing the Game upon such Land by virtue of any Reservation or otherwise, as herein-before mentioned; but such Landlord, Lessor, or other Person shall, for the Purpose of prosecuting for each of the Two Offences herein last before mentioned, be deemed to be the legal Occupier of such Land, whenever the actual Occupier thereof shall have given such Leave or Licence; and that the Lord or Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall be deemed to be the legal Occupier of the Land of the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty.

Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.

XXXI. And be it enacted, That where any Person shall be found on any Land, or upon any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise as herein-before mentioned, or for the Occupier of the Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Game-keeper or Servant of either of them, or for any Person authorized by either of them, or for the Warden, Ranger, Verderer, Forester, Master-keeper, Under-keeper, or other Officer of such Forest, Park, Chase, or Warren, to require the Person so found forthwith to quit the Land whereon he shall be so found, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall,

Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested.

shall, after being so required, offend by refusing to tell his real Name or Place of Abode, or by giving such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or by wilfully continuing or returning upon the Land, it shall be lawful for the Party so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and such Offender whether so apprehended or not, upon being convicted of any such Offence before a Justice of the Peace, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction: Provided always, that no Person so apprehended shall, on any Pretence whatsoever, be detained for a longer Period than Twelve Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place.

Penalty.

Party arrested must be discharged, unless brought before a Justice within 12 Hours.

Penalty on Persons found armed using Violence, &c.

XXXII. And be it enacted, That where any Persons, to the Number of Five or more together, shall be found on any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, any of such Persons being then and there armed with a Gun, and such Persons or any of them shall then and there, by Violence, Intimidation, or Menace, prevent or endeavour to prevent any Person authorized as herein before mentioned from approaching such Persons so found, or any of them, for the Purpose of requiring them or any of them to quit the Land whereon they shall be so found, or to tell their or his Christian Name, Surname, or Place of Abode respectively, as herein before mentioned, every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Penalty, not exceeding Five Pounds, as to the convicting Justices shall seem meet, together with the Costs of the Conviction; which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

XXXIII. And

XXXIII. And be it enacted, That if any Person whatsoever shall commit any Trespass, by entering or being, in the Day-time, upon any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, without being first duly authorized so to do, such Person shall, on conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction. Penalty for Trespass in Day-time in His Majesty's Forests.

XXXIV. And be it enacted, That for the Purposes of this Act the Day-time shall be deemed to commence at the Beginning of the last Hour before Sunrise, and to conclude at the Expiration of the first Hour after Sunset. What to be deemed Day-time.

XXXV. Provided always, and be it enacted, That the aforesaid Provisions against Trespassers and Persons found on any Land shall not extend to any Person hunting or coursing upon any Lands with Hounds or Greyhounds, and being in fresh Pursuit of any Deer, Hare, or Fox already started upon any other Land, nor to any Person *bonâ fide* claiming and exercising any Right or reputed Right of Free Warren or Free Chase, nor to any Gamekeeper lawfully appointed within the Limits of any Free Warren or Free Chase, nor to any Lord or any Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, nor to any Gamekeeper lawfully appointed by such Lord or Steward within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty. The Provisions as to Trespassers not to apply to Persons hunting, &c.

XXXVI. And be it enacted, That when any Person shall be found by Day or by Night upon any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, and shall then and there have in his Possession any Game which shall appear to have been recently killed, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or for the Occupier of such Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Gamekeeper or Servant of either of them, or for any Officer as aforesaid of such Forest, Park, Chase, or Warren, or for any Person acting by the Order and in aid of any of the said several Persons, to demand from the Person so found such Game in his Possession, and in case such Person shall not immediately deliver up such Game, to seize and take the same from him, for the Use of the Person entitled to the Game upon such Land, Forest, Park, Chase, or Warren. Game may be taken from Trespassers not delivering up the same when demanded.

XXXVII. And be it enacted, That every Penalty and Forfeiture for any Offence against this Act (the Application of which Application of Penalties

for Offences against this Act.

which has not been already provided for) shall be paid to some one of the Overseers of the Poor, or to some other Officer as the convicting Justice or Justices may direct of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and no inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

Time for Payment of Penalties, and Scale of Imprisonment for Non-payment.

XXXVIII. And be it enacted, That the Justice or Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act, together with Costs, may adjudge that such Person shall pay the same either immediately or within such Period as the said Justice or Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction with or without Hard Labour, as to the Justice or Justices shall seem meet, for any Term not exceeding Two Calendar Months, where the Amount to be paid, exclusive of Costs, shall not amount to Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Amount and Costs.

Form of Conviction.

XXXIX. And be it enacted, That the Justice or Justices of the Peace (as the Case may require) before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up according to the following Form of Words, or in any other Form of Words to the same or the like Effect; (that is to say),

'
' to wit. } BE it remembered, That on the
' Day of in the Year of our Lord
' at in the County of
' [*or* Riding, Division, Franchise, Liberty,
' City, *&c. as the Case may be*], *A. O.* is convicted before me
' *J. P.* One [*or* us *J. P.* and *J. J. P.* Two, *as the Case may*
' *require*], of His Majesty's Justices of the Peace for the said
' County, [*or* Riding, *&c.*], for that he the said *A. O.* did, on
' at kill [*or* take]
' Game, [*or* did use a Dog, *&c.* for the Purpose of killing Game],
' he the said *A. O.* not being authorized so to do for Want of a
' Game Certificate, contrary to the Statute in such Case made
' and provided [*or* did, *here specify any other Offence, and the*
' *Time*

'*Time and Place when and where the same was committed, as* '*the Case may be*]; and I [*or* we] do adjudge that the said 'A. O. shall for the said Offence forfeit the Sum of '[*or* we do adjudge that the said A. O. shall for 'the said Offence forfeit the Sum of being after 'the Rate of for every Head of Game so, &c. or 'for every Egg so, &c.], and shall forthwith pay the said Sum, 'together with the Sum of for Costs; and 'that in default of immediate Payment of the said Sums, he 'the said A. O. shall be imprisoned [*or* imprisoned and kept 'to hard Labour] in the of for the 'Space of unless the said Sums shall be sooner paid; '[*or* and I [*or* we] order that the said Sums shall be paid by 'the said A. O. on or before the Day of 'and in default of Payment on or before that Day I '[*or* we] adjudge the said A. O. to be imprisoned [*or* imprisoned 'and kept to hard Labour] in the of 'for the Space of unless the said Sums 'shall be sooner paid;] and I [*or* we] direct that the said Sum 'of (*i. e.* the Penalty) shall be paid to 'being one of the Overseers of the Poor of, &c. to be by him 'applied according to the Directions of the Statute in such 'Case made and provided; and I [*or* we] order that the said 'Sum of for Costs shall be paid to '(the Complainant). Given under my Hand [*or* our 'Hands] the Day and Year first above mentioned.

'*J. P.*

'[*or J. P. and J. J. P.*]'

Power to summon Witnesses.

XL. And be it enacted, That it shall be lawful for any Justice of the Peace to issue his Summons requiring any Person to appear before himself, or any One or Two Justices of the Peace, as the Case may require, for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justice or Justices then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justice or Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justice or Justices, or any other Justice or Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice or Justices shall seem meet.

Penalty for Disobedience of Summons, &c.

Time for Proceedings, and

XLI. And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act

Mode of enforcing the Appearance of Offenders.

Act shall be commenced within Three Calendar Months after the Commission of the Offence; and that where any Person shall be charged on the Oath of a credible Witness with any such Offence before a Justice of the Peace, the Justice may summon the Party charged to appear before himself, or any One or Two Justices of the Peace, as the Case may require, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly, then upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate, the Justice or Justices may either proceed to hear and determine the Case in the Absence of the Party, or may issue his or their Warrant for apprehending and bringing such Party before him or them, as the Case may be; or the Justice before whom the Charge shall be made may, if he shall have Reason to suspect from Information upon Oath that the Party is likely to abscond, issue such Warrant in the first Instance, without any previous Summons.

Prosecutor not required to prove a Negative.

XLII. And be it declared and enacted, That it shall not be necessary, in any Proceeding against any Person under this Act, to negative by Evidence any Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence: but that the Party seeking to avail himself of any such Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence, shall be bound to prove the same.

Convictions to be returned to Sessions.

XLIII. And be it enacted, That the Justice or Justices of the Peace before whom any Person shall be convicted of any Offence punishable upon summary Conviction under this Act shall transmit every such Conviction to the next Court of General or Quarter Sessions of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court.

Appeal.

XLIV. And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act may appeal to the Justices at the next General or Quarter Sessions of the Peace to be holden, not less than Twelve Days after such Conviction, for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or within such Three Days enter into a Recognizance, with a sufficient

sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c.

XLV. And be it enacted, That no summary Conviction in pursuance of this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same.

This Act not to preclude Actions for Trespass, but no Double Proceedings for the same Trespass.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from proceeding by way of Civil Action to recover Damages in respect of any Trespass upon his Land, whether committed in pursuit of Game or otherwise, save and except that where any Proceedings shall have been instituted under the Provisions of this Act against any Person for or in respect of any Trespass, no Action at Law shall be maintainable for the same Trespass by any Person at whose Instance or with whose Concurrence or Assent such Proceedings shall have been instituted, but that such Proceedings shall in such Case be a Bar to any such Action, and may be given in Evidence under the General Issue.

Venue, &c. in Proceedings against Persons acting under this Act.

XLVII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial

Tender of Amends.

Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant.

Act not to extend to Scotland or Ireland.

XLVIII. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

SCHEDULES.

SCHEDULE (A.)

Form of Licence.

At a Special Session of the Justices of the Peace of the County of [*or* Riding, *&c., as the Case may be*], acting for the Division of [*or otherwise, as the Case may be*] in the said County, holden at in the said on the Day of in the Year We being Justices acting for the said assembled at the said Special Session, do hereby authorize and empower *A. B.* of [*here insert the Name, Description, and Place of Residence, and, if more than One in Partnership, say, C. D.* of, *&c.* and *E. F.* of, *&c.* being Partners,] being a Householder [*or* Householders], [*or* Keeper (*or* Keepers) of a Shop or Stall, *as the Case may be*], to buy Game from any Person authorized to sell Game by virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Laws in England "relative to Game;" and we do also authorize and empower the said *A. B.* [*or C. D.* and *E. F.* being Partners] to sell at his [*or* their] House [Shop *or* Stall] any Game so bought, provided that the said *A. B.* [*or C. D.* and *E. F.* being Partners] shall affix to some Part of the Outside of the Front of his [*or* their] House [Shop *or* Stall], and shall there keep a Board having thereon in clear and legible Characters his Christian Name and Surname, [*or* their Christian Names and Surnames,] together with the following Words, 'Licensed to deal in Game.'

This Licence will expire on

(Signed) Justice of the Peace.
Justice of the Peace.

SCHE-

SCHEDULE (B.)

FORM of CERTIFICATE to be issued by Clerks of Commissioners of Assessed Taxes to every Person licensed to deal in Game.

RECEIVED from *A. B.* [*or C. D.* and *E. F.* being Partners], residing at [Parish, Township, *or* Place] in the County of (in exchange for this Certificate), a Receipt under the Hand of *G. H.* One of the Collectors of Assessed Taxes for the said [Parish, *&c.*] for the Sum of being the Duty chargeable on the said *A. B.* [*or C. D.* and *E. F.* being Partners] in respect of his [*or* their] Licence to deal in Game.

Certified this Day of in the Year in pursuance of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An "Act to amend the Laws in England relative to Game."

This Certificate will expire on

(Signed)

Clerk to the Commissioners of Assessed Taxes for the Division of in the County of

CAP. XXXV.

An Act to continue, for One Year, Compositions for Assessed Taxes, and to alter the Period for the Expiration of Game Certificates, and for granting Licences to deal in Game. —[29*th* July 1839.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue for Five Years from the Fifth Day of* April *One thousand eight hundred and thirty-five, and to amend the Acts for authorizing a Composition for Assessed Taxes*, the Compositions for Assessed Taxes now in force will expire on the Fifth Day of *April* One thousand eight hundred and forty, and it is expedient to continue the same for a further Term of One Year: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties payable under every Contract of Composition for the Duties of Assessed Taxes, and every Contract and Composition respectively now in force, shall be and the same are hereby respectively continued to Her Majesty, Her Heirs and Successors, to the like annual Amounts now payable for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-one, to all Intents and under the same Rules and Privileges as if such Compositions did not by the Laws now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts passed relating to and for continuing the Duties of Compositions and Contracts for collecting the same, and for enforcing Payment thereof, shall be extended and applied to the Compositions and Contracts continued under this Act, to all Intents as if the same had been repeated and re-enacted in this Act.

4 & 5 W. 4. c. 54.

Compositions extended for the further Term of One Year ending 5 April 1841;

II. Provided

except in Cases where Parties shall give Notice to determine the same on 5 April 1840.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty, and who shall on or before the Tenth Day of *October* One thousand eight hundred and thirty-nine, give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Game Certificates to expire on the 5th of July instead of the 5th of April.

III. And whereas by an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, certain Duties specified and set forth in Schedule (L.) to the said Act annexed are granted and made payable in respect of killing Game, and by the Rules contained in the said Schedule for charging the said last-mentioned Duties it is enacted, that every Person who intends to do or shall do any Act in the said Schedule mentioned, by reason of the doing of which he shall become chargeable with or liable to the said Duty thereby made payable, shall, before he shall do any such Act, pay the said Duty to the Collector of the Duties of Assessed Taxes, and obtain a Certificate thereof, in the Manner directed by the said Rules, which Certificate it is thereby declared shall continue in force until and upon the Fifth Day of *April* next after the Time of issuing the same, and no longer: And whereas great Inconvenience has been felt by reason of the Expiration of the said Certificates at a Period when the Collectors of the said Duties for the ensuing Year have not been appointed, whereby Persons are prevented from immediately obtaining renewed Certificates, and for remedy thereof it is expedient that the Expiration of all such Certificates should be deferred until after the Period of the Year at which the said Collectors are usually appointed: Be it therefore enacted, That all such Certificates as aforesaid which have been granted, and at the Time of the passing of this Act are now in force, and also all such Certificates as aforesaid which shall be granted, at any Time after the passing of this Act, and before the Sixth Day of *July* in the Year One thousand eight hundred and forty, shall, notwithstanding anything in the said recited Act, or in the aforesaid Schedule (L.) thereto annexed, or in any of the said Certificates contained to the contrary thereof respectively, continue in force until and upon the Fifth Day of *July* in the said Year One thousand eight hundred and forty, and shall then cease and determine, and that all such Certificates as aforesaid, which shall

shall be granted at any Time after the Fifth Day of *July* in the said Year One thousand eight hundred and forty, shall continue in force until and upon the Fifth Day of *July* next after the Time of issuing the same, and no longer, anything in any former Act or Acts contained to the contrary thereof in anywise notwithstanding; and in respect of all such Certificates as aforesaid which shall be issued after the passing of this Act, the Forms thereof contained in Schedule (N.) to the said Act annexed shall be altered as to the Period of the Expiration of the said Certificates, and shall be made conformable with the Provisions of this Act.

Justices to hold a Special Session as often as they think fit for granting Licences to Persons to deal in Game. 1 & 2 W. 4. c. 32.

IV. And whereas by an Act passed in the First and Second Years of the Reign of his said late Majesty King *William* the Fourth, intituled *An Act to amend the Laws in* England *relative to Game*, it is enacted, that the Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Session in the Division or District for which they usually act, in the Month of *July* in every Year, for the Purpose of granting Licences to deal in Game: And whereas it is expedient that the said Justices of the Peace should be empowered to hold a Special Session for the Purpose aforesaid, not only in the Month of *July*, but also at any subsequent Period of the Year: Be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Justices of the Peace to hold in their respective Divisions or Districts a Special Session for the Purpose of granting Licences to deal in Game, not only in the Month of *July*, but also at any Time and from Time to Time as often as they shall think fit after the said Month of *July* in every Year; and it shall also be lawful for the Majority of the said Justices (not being less than Two), assembled at any such Session or at any Adjournment thereof, to grant Licences to deal in Game, in the Manner directed by the said last-recited Act, and under and subject to the Provisions and Regulations thereof; provided always, that of the holding of any such Special Session Seven Days Notice shall be given to each of the Justices acting for the Division or District in which such Session is intended to be held; provided also, that every Licence to deal in Game, at whatever Time the same hath been or shall be granted, shall continue in force from the granting thereof until the First Day of *July* then next following, and no longer; anything in the said last-recited Act, or in such Licence, to the contrary notwithstanding.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the SECOND Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

23° & 24° VICT.

i. AN Act to enable the Company of Proprietors of the *West Middlesex* Waterworks to raise a further Sum of Money; and for other Purposes.

ii. An Act for enabling the *Blackburn* Gaslight Company to raise a further Sum of Money; and for other Purposes.

iii. An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The *Silverdale and Newcastle* Railway Act, 1859;" to authorize the stopping up, altering, and constructing of certain Roads; and for other Purposes.

iv. An Act for supplying with Gas the Township of *Droylsden* and other Places adjacent thereto in the Parishes of *Manchester* and *Ashton-under-Lyne* in the County of *Lancaster*.

v. An Act for more effectually supplying with Gas the Borough of *Leicester* and the Neighbourhood thereof in the County of *Leicester*.

vi. An Act to enable the *Banbridge, Lisburn, and Belfast* Railway Company to make Deviations in their authorized Railways; and to enable the *Ulster* Railway Company to acquire and hold Shares in the Undertaking of the *Banbridge, Lisburn, and Belfast* Railway Company; and for other Purposes.

vii. An Act for better supplying with Water the Township of *Belper* in the Parish of *Duffield* in the County of *Derby*.

viii. An Act for more effectually repairing the Road leading from *Wem* to the Lime Rocks at *Bronygarth* in the County of *Salop*, and for making several Lines of Road connected with the same in the Counties of *Salop* and *Denbigh*.

ix. An Act to amend the *Inverness and Aberdeen Junction* Railway Act, 1856; to enable the *Inverness and Aberdeen Junction* Railway Company to raise further Sums of Money; and for other Purposes.

x. An

x. An Act to enable the *South Devon* Railway Company to improve their *Plymouth* and other Stations; to widen Parts of their Railway; and for other Purposes.

xi. An Act to authorize the Construction of a Railway from the *Great Western* Railway at *Chippenham* to *Calne* in *Wilts*.

xii. An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct an additional Reservoir and other Works; and for other Purposes.

xiii. An Act for better supplying with Water the Borough and Parish of *Liskeard* in the County of *Cornwall*, and for other Purposes.

xiv. An Act to enable the *North London* Railway Company to raise an additional Sum of Money; and for other Purposes.

xv. An Act for incorporating a Company for the Construction of a Railway from the *Newton and Compstall* Line of the *Manchester, Sheffield, and Lincolnshire* Railway at *Marple* in the County of *Chester* to *New Mills* and *Hayfield* in the County of *Derby*; and for other Purposes.

xvi. An Act for authorizing the Construction of a Railway from *Stockport* to *Woodley* in the County of *Chester*; and for other Purposes.

xvii. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to complete their Communication with *Brecon*; and for other Purposes connected with their Undertaking.

xviii. An Act for incorporating the *Mirfield* Gaslight Company (Limited), and extending their Powers, and for other Purposes.

xix. An Act for building a Bridge across the River *Ouse* in the City of *York*, with Approaches thereto, and for raising, lowering, widening, altering, and improving certain Streets or Thoroughfares within the said City, and for other Purposes.

xx. An Act for consolidating and amending the Acts relating to the *Liskeard and Caradon* Railway Company, for authorizing the Alteration of Portions of their existing Railway, and the Construction of new Works; and for other Purposes.

xxi. An Act to repeal the Act for amending and improving the Road from *Glossop* to *Marple Bridge* in the County of *Derby*, and the several Branches of Roads leading to and from the same, and to make other Provisions in lieu thereof.

xxii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to provide an additional Cemetery, with Approaches thereto, and to effect certain Arrangements with the Visitors of the *Leicestershire* and *Rutland* Lunatic Asylum; for amending the Acts relating to the Cemetery, Sewerage, and Waterworks in the said Borough; and for other Purposes.

xxiii. An

xxiii. An Act for more effectually repairing the Road from *Chesterfield* in the County of *Derby* to *Worksop* in the County of *Nottingham.*

xxiv. An Act to enable the *Bagenalstown and Wexford* Railway Company to make Railways to *Enniscorthy* and to a certain Limestone Quarry at *Ballyellin,* and an Approach Road or Roads to their Station at *Wexford;* and to enable the *Great Southern and Western* Railway Company to subscribe further Sums towards the Undertaking of the Company; and to enable the Company and the Grand Jury of the County of *Wexford* and the Trustees of *Wexford* Free Bridge to make Arrangements in reference to the said Road or Roads; and for other Purposes.

xxv. An Act to enable the *Shrewsbury and Welchpool* Railway Company to complete and maintain Deviations in the Line and Levels of their Railway, and to complete and maintain the same across certain Roads on a Level, and to raise a further Sum of Money; and for other Purposes.

xxvi. An Act to continue and amend an Act for erecting a Bridge over the River *Dee* at the *Craiglug* in the Parish of *Old Machar* in the County of *Aberdeen* and of *Nigg* in the County of *Kincardine,* and for making a Road from *Cairnrobin* by the said Bridge toward the City of *Aberdeen.*

xxvii. An Act for granting further Powers to the *Croydon* Commercial Gas and Coke Company.

xxviii. An Act for draining and improving *Grunty Fen* in the *Isle of Ely* in the County of *Cambridge;* and for maintaining the public Roads therein.

xxix. An Act for more effectually carrying out the Clearing House System in *Ireland,* and for facilitating legal Proceedings in relation thereto.

xxx. An Act for the better Supply of *Spalding* with Water.

xxxi. An Act for the Regulation of the Municipal Corporation of the Borough of *Hedon* in the East Riding of the County of *York,* and for the Improvement of the Borough; and for other Purposes.

xxxii. An Act for the further Continuance of the *Lower King's Ferry* Roads Turnpike Trust, and for other Purposes.

xxxiii. An Act to authorize the Commissioners of the *Glasgow* Corporation Waterworks to raise a further Sum of Money.

xxxiv. An Act for authorizing the Corporation of *Norwich* to enlarge the existing Cattle Market and other Markets in *Norwich,* and to establish and regulate Markets and Fairs and make new Streets in *Norwich;* and for other Purposes.

xxxv. An Act for making a Railway from the *Cannock Mineral* Railway into *Cannock Chase* in the County of *Stafford.*

xxxvi. An

xxxvi. An Act for changing the Name of "The *Ambergate, Nottingham, and Boston and Eastern Junction* Railway and Canal Company" to the Name "The *Nottingham and Grantham* Railway and Canal Company," and for reducing and regulating their Capital and borrowing Powers; and for other Purposes.

xxxvii. An Act to enable the *Edinburgh* Railway Station Access Company to raise additional Capital.

xxxviii. An Act to incorporate the *Brompton and Gillingham* Consumers Waterworks Company, Limited: to enable them to better supply *Brompton*, *Gillingham*, *Chatham*, and *Rochester* with Water; and for other Purposes.

xxxix. An Act for granting further Powers to the *Commercial* Dock Company.

xl. An Act for making a Railway from *Stranorlar* in the County of *Donegal* to the *Londonderry and Enniskillen* Railway near *Strabane* in the County of *Tyrone*, and for other Purposes.

xli. An Act to provide for the Management, Maintenance, and Repair of the Turnpike Road from *Lincoln Heath* to *Market Deeping*, and other Roads in connexion therewith; and for other Purposes.

xlii. An Act for relinquishing certain Works authorized by the *North Staffordshire* Railway Branches Act, 1854, and for authorizing Agreements with respect to the *Silverdale and Newcastle* Railway, and for other Purposes.

xliii. An Act for amending the Acts passed with respect to the Master, Wardens, Searchers, Assistants, and Commonalty of the Company of Cutlers in *Hallamshire* in the County of *York*.

xliv. An Act for authorizing the *Stockton and Darlington* Railway Company to raise additional Capital; and for other Purposes.

xlv. An Act to enable the *Great Northern and Western (of Ireland)* Railway Company to make a Deviation in their authorized Railway between *Roscommon* and *Castlereagh*; and for other Purposes.

xlvi. An Act for altering the Name of "The *Belfast and Ballymena* Railway Company" to the Name of "The *Belfast and Northern Counties* Railway Company;" for increasing their Capital; and for other Purposes.

xlvii. An Act to enable the *Dublin and Wicklow* Railway Company to extend their Railway to *Enniscorthy* in the County of *Wexford*; to change the Name of the Company; and for other Purposes.

xlviii. An Act for enabling the Mayor, Aldermen, and Citizens of

of the City of *Manchester* to effect further Improvements in the said City; and for other Purposes.

xlix. An Act to amend "The *Great Southern of India* Railway Act, 1858;" and for other Purposes.

l. An Act to authorize certain Deviations in the *Andover and Redbridge* Railway, and for other Purposes.

li. An Act for granting further Powers to the *West Somerset* Railway Company.

lii. An Act to enable the *Midland* Railway Company to contract for the Use of the Undertakings of other Companies in and near *London*.

liii. An Act for regulating the *East India* Coal Company, Limited, and for making Provisions with regard to the Capital and Shares of the Company; and for other Purposes.

liv. An Act for making a Railway from *Carrickfergus* to *Larne*, and for other Purposes.

lv. An Act for better supplying with Water the Parish of *Matlock* in the County of *Derby*.

lvi. An Act to enable the *Limerick and Ennis* Railway Company to maintain their Railway across certain Roads on a Level; and to enable the Company to purchase certain Lands for the Purposes of their Undertaking; and to amend the Provisions of the Acts relating to the said Company with respect to General Meetings; and for other Purposes.

lvii. An Act to repeal the Act 10 *George* IV. Chapter 114, relating to the Turnpike Roads from *Hurdlow House* in the County of *Derby* to *Manchester* in the County Palatine of *Lancaster*, and to confer other Powers in lieu thereof.

lviii. An Act for enabling the *Metropolitan* Railway Company to acquire additional Lands for the Construction of the Railway and for Station Accommodation; for amending the Acts relating to the Railway; and for other Purposes.

lix. An Act to authorize the Lease of the *Banbridge Junction* Railway to the *Dublin and Belfast Junction* Railway Company; and for other Purposes.

lx. An Act to enable the *Belfast and County Down* Railway Company to abandon Part of the *Bangor* Branch; to extend the Time for the Completion of the Remainder of such Branch, and of the *Donaghadee* Branch; and for other Purposes.

lxi. An Act for making a Railway from the *Belfast and County Down* Railway at *Holywood* to *Bangor* in the County of *Down* in *Ireland*.

lxii. An Act for a Modification of the Lease of the *Dublin and Kingstown* Railway to the *Dublin and Wicklow* Railway Company; and for regulating the Capital of the *Dublin and Kingstown* Railway Company; and for other Purposes.

lxiii. An

lxiii. An Act to enable the *Keith and Dufftown* Railway Company to abandon their authorized Line of Railway, and to make a new Line of Railway instead thereof.

lxiv. An Act to authorize the Construction of a Railway from the authorized Line of the *London and South-western Exeter Extension* Railway to *Chard* in the County of *Somerset*.

lxv. An Act to confer further Powers with respect to the Construction of Railways at or near *Burton-upon-Trent*, and for other Purposes.

lxvi. An Act to enable the *Midland* Railway Company to make Railways between *Rowsley* and *Buxton;* to execute other Works; and for other Purposes.

lxvii. An Act to authorize the *Midland* Railway Company to construct a Station in the Parish of *Saint Pancras, London*, and to effect Arrangements with the *Great Northern* and *North London* Railway Companies and with the *Regent*'s Canal Company; and for other Purposes.

lxviii. An Act for better supplying with Gas and with Water the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster*.

lxix. An Act for enabling the *Great Western* Railway Company to construct a Railway in the Parishes of *Clifton Maybank* and *Bradford Abbas* in the County of *Dorset* in connexion with the *Wilts, Somerset, and Weymouth* Railway; to acquire additional Lands at *Yeovil;* and for other Purposes.

lxx. An Act for increasing the Capital of the Company of Proprietors of the *Sheffield* Waterworks; for extending the Limits of the *Sheffield* Waterworks Act, 1853, so as to comprise the Parish of *Ecclesfield;* for making further Provisions with respect to the said Company; and for other Purposes.

lxxi. An Act for changing the Name of the *Sirhowy* Tramroad Company to the Name "The *Sirhowy* Railway Company;" and for authorizing the Company to make new Works, and to maintain and work the *Sirhowy* Line as a Railway, and to raise further Funds; and for regulating their Capital and Borrowing Powers; and for other Purposes.

lxxii. An Act for making a Railway from the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at *Ashchurch* in the County of *Gloucester* to *Great Malvern* in the County of *Worcester;* and for other Purposes.

lxxiii. An Act for authorizing the *East Somerset* Railway Company to abandon the making of their authorized Railway from *Shepton Mallett* to *Wells*, and to make instead thereof another

another Railway from *Shepton Mallett* to *Wells;* and for other Purposes.

lxxiv. An Act for authorizing the *Grand Surrey* Docks and Canal Company to make additional Docks and other Works, and to raise further Monies ; and for other Purposes.

lxxv. An Act to incorporate a Company for manufacturing and supplying Gas within the Parishes of *Tormoham* (including the Town of *Torquay*), *Saint Mary Church*, and *Cockington*, in the County of *Devon;* and for other Purposes.

lxxvi. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to take on Lease the Undertaking of the *Severn Valley* Railway Company.

lxxvii. An Act to authorize Arrangements with reference to the Use by the *London and North-western* Railway Company of the Station at *Normanton*, and the Railway between the same and *Goose Hill*, and for other Purposes.

lxxviii. An Act for supplying *Dartford, Crayford, Eltham*, and other Places in *Kent* with Water.

lxxix. An Act to authorize the Transfer to the *London and North-western* Railway Company of Part of the Undertaking of the *Saint Helens* Canal and Railway Company, and for the Increase of the Capital of the *Saint Helens* Company.

lxxx. An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the Top of *Steyning Hill* in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner* in the Parish of *Beeding*, and from thence to *Shoreham Bridge* in the Parish of *Old Shoreham* in the said County.

lxxxi. An Act for the Amalgamation of the *Newport, Abergavenny, and Hereford* and the *Worcester and Hereford* Railway Companies with the *Oxford, Worcester, and Wolverhampton* Railway Company, under the Name of "The *West Midland* Railway Company."

lxxxii. An Act for making a Railway from the *Oxford, Worcester, and Wolverhampton* Railway to *Bourton-on-the-Water* in the County of *Gloucester*, and for other Purposes.

lxxxiii. An Act for making a Railway commencing by a Junction with the *Glasgow and South-western* Railway at or near the North or North-east End of the Passenger Station of that Railway at the Town of *Dumfries*, and terminating by a Junction with the *Caledonian* Railway at or near the North End of the *Lockerby* Station on that Line ; and for other Purposes.

lxxxiv. An Act to increase the Capital and amend the Powers of the *Dover* Gaslight Company.

lxxxv. An Act for authorizing the *London* Hydraulic Power Company, Limited, to acquire Powers under "The Waterworks Clauses Acts, 1847;" and for other Purposes.

lxxxvi. An Act to amend the Local Act, Fifty-fourth of *George* the Third, Chapter One hundred and three, for making a fair and equal County Rate for the County of *Buckingham*.

lxxxvii. An Act to grant additional Powers to the *Newry, Warrenpoint, and Rostrevor* Railway Company.

lxxxviii. An Act for better defining the Powers and Liabilities of the *Eau Brink* Drainage Commissioners; for making Provision for the Repair and Maintenance of the *Eau Brink Bridge*; for simplifying the Mode of levying and collecting Drainage Taxes; for constituting from the Body of Commissioners a New Board, to be called Conservators of the *Ouse* Outfall; and for other Purposes.

lxxxix. An Act for making a Railway from *Buckley* to *Connah's Quay* in the County of *Flint*, and for other Purposes.

xc. An Act for making a Railway from *Altrincham* through *Knutsford* to *Northwich* in the County of *Chester*, and for other Purposes.

xci. An Act to change the Name of the *Nuneaton and Hinckley* Railway Company; and to enable that Company to extend their Railway from *Hinckley* in the County of *Leicester* to the *Midland* Railway at *Wigston Magna* near *Leicester* in the same County; and for other Purposes.

xcii. An Act for the Alteration at *Yeovil* of the *Salisbury and Yeovil* Railway leased to the *London and South-western* Railway Company, and of the *Yeovil and Durston* Branch of the *Bristol and Exeter* Railway; and for the making at *Yeovil* of a Joint Station for the *London and South-western* and the *Bristol and Exeter* Railway Companies; and for other Purposes.

xciii. An Act to alter and amend the several Acts relating to the *Manchester* Corporation Waterworks, and for other Purposes.

xciv. An Act for making a Railway from *Stourbridge* in the County of *Worcester* to *Old Hill*, with Branches to *Cradley Park* and *Corngreaves* Ironworks, and for other Purposes.

xcv. An Act for incorporating the *Wellington* Waterworks Company, and granting Powers to them for better supplying with Water the Town of *Wellington* and Places adjacent thereto in the County of *Salop*, and for other Purposes.

xcvi. An Act for better supplying with Water the Town and Parish of *Maidstone* in the County of *Kent*, and for other Purposes.

xcvii. An Act for more completely merging in the Undertaking of

of the *Caledonian* Railway Company certain Railways known as the *Lesmahagow* Branches; for incorporating the Holders of the *Lesmahagow* Branches Stock, and securing to them a fixed Annuity; and for other Purposes.

xcviii. An Act for incorporating "The *City of Dublin* Steam Packet Company;" and for authorizing them to raise additional Capital; and for other Purposes.

xcix. An Act for making a Railway from *Letterkenny* to the *Londonderry and Enniskillen* Railway in the County of *Donegal;* and for other Purposes.

c. An Act for making a Railway from the *Great Southern and Western* Railway near *Charleville* to the *Limerick and Foynes* Railway near *Patrick's Well,* and also a short Line of Railway at *Limerick,* to be called "The *Cork and Limerick Direct* Railway," and for other Purposes.

ci. An Act for enabling the *Oswestry and Newtown* Railway Company to raise additional Capital, to lease their Undertaking; and for other Purposes.

cii. An Act for better supplying with Water the Towns of *Staines, Hounslow, Ealing, Acton,* and *Hanwell,* and the several Parishes and Places adjacent thereto, in the County of *Middlesex,* and for other Purposes.

ciii. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway in extension of their *Exeter Extension* Railway, and to connect that Railway with the *Bristol and Exeter* Railway; and for authorizing Alterations of the *Saint David's* Station on the *Bristol and Exeter* Railway, and the laying down of Rails on the Narrow Gauge on divers Railways, and the working by the *London and South-western* Railway Company over those Narrow Guage Lines of Railway, from their *Exeter Extension* Railway to *Bideford;* and for other Purposes.

civ. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and Her Majesty's Commissioners of the Patriotic Fund, for the Admission of Pupils into the said School.

cv. An Act for enabling the *Cardiff* Waterworks Company to construct additional Works, and obtain a further Supply of Water for the Town of *Cardiff* and the surrounding Districts in the County of *Glamorgan;* and for other Purposes.

cvi. An Act to amend "The *Blyth* Harbour and Dock Act, 1858;" to extend the time for completion of Works, and to levy additional Tolls and Rates; and for other Purposes.

cvii. An Act for continuing the Powers of the Trustees of the *Wexford* Free Bridge; for enabling them to complete that Bridge, and to construct and improve Approaches thereto; for

for authorizing the Grand Jury of the County of *Wexford* to present additional Sums of Money; and for other Purposes.

cviii. An Act for making a Turnpike Road from the *Oswestry and Newtown* Railway near *Cilgwrgan* in the County of *Montgomery* over the River *Severn* to *Tregynon* in the same County.

cix. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Croydon* to the *West End of London and Crystal Palace* Railway near *Balham Hill*, all in the County of *Surrey*, with a Branch Railway connected therewith; and for other Purposes.

cx. An Act for better supplying with Water the Inhabitants of *Consett* and other Districts in the County of *Durham*.

cxi. An Act for making a Railway from the *London and North-western* Railway at *Watford* to *Rickmansworth*; and for other Purposes.

cxii. An Act to create a further Term in the *Egleston* Roads; to add other Roads to the Trust; to repeal, amend, and extend the Act relating to the said Roads; and for other Purposes.

cxiii. An Act for the *Bolton and St Helen's* Road in the County Palatine of *Lancaster*.

cxiv. An Act to enable the *Dublin and Drogheda* Railway Company to extend their Railway from *Kells* to *Oldcastle*; and for other Purposes.

cxv. An Act to amend and extend the Powers of Management of the Corporation of the *North British* Insurance Company.

cxvi. An Act to enable the *Morayshire* Railway Company to construct a Railway from *Elgin* to *Rothes*; and for other Purposes.

cxvii. An Act to enable the *Sovereign* Life Assurance Company to sue and be sued; to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company.

cxviii. An Act for the *Doncaster and Tadcaster* Road in the West Riding of the County of *York*.

cxix. An Act to authorize the Improvement of the Common Muir of *Auchterarder* in the County of *Perth*, and to regulate the Management thereof, and the Application of the Revenues arising therefrom for the Benefit of that Burgh or Town.

cxx. An Act to enable the *Symington, Biggar, and Broughton* Railway Company to extend their Railway from *Broughton* to *Peebles*; and for other Purposes.

cxxi. An Act for enabling the *Portadown, Dungannon, and Omagh*

Omagh Junction Railway Company to alter the Line of their Extension Railway, and to make a Branch Railway at *Omagh;* for authorizing certain Arrangements with the *Ulster* Railway Company and *Londonderry and Enniskillen* Railway Company; and for other Purposes.

cxxii. An Act for making a Railway from the *Stockport, Disley, and Whaleybridge* Railway in the Parish of *Stockport*, and County of *Chester* to *Hayfield* in the County of *Derby*, and for other Purposes.

cxxiii. An Act to enable the *London and Blackwall* Railway Company to provide additional Station Accommodation and other Works connected with their Railway; to make a Branch Railway to the *London* Docks; to enter into Arrangements with certain other Companies; and for other Purposes.

cxxiv. An Act to enable the *Salisbury and Yeovil* Railway Company to make a Deviation from their authorized Main Line near *Yeovil*, and for other Purposes connected with their Undertaking.

cxxv. An Act for vesting in a Body of Trustees, to be called "The *Upper Mersey* Dues Trustees," a certain Portion of the *Liverpool* Town and Anchorage Dues; and for other Purposes.

cxxvi. An Act to continue and amend Two Acts, passed in the First and Tenth Years of the Reign of His Majesty King *George* the Fourth, relating to certain Roads and Bridges in the Counties of *Lanark* and *Dumbarton*.

cxxvii. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to relinquish the Junction of their Line with the *Shrewsbury and Hereford* Railway, and in substitution therefor to form a Junction with the *Newport, Abergavenny, and Hereford* Railway.

cxxviii. An Act for making a Railway from *Tenbury* in the County of *Worcester* to the *Severn Valley* Railway near *Bewdley* in the County of *Worcester*.

cxxix. An Act to incorporate a Company for the Improvement of Buildings, and for other Purposes.

cxxx. An Act for extending the Time for the Completion of Portions of the *Dorset Central* Railway; for enabling the *Somerset Central* Railway Company to subscribe to the Undertaking; and for other Purposes.

cxxxi. An Act for making a Railway from *Inverness* to *Invergordon*, to be called "The *Inverness and Ross-shire* Railway;" and for other Purposes.

cxxxii. An Act to provide for Alterations in the Appointment of Overseers, Collectors, and other Poor Law Officers in the Township of *Leeds;* for the Incorporation of Overseers for specific

specific Purposes; and for the levying and Collection of Poor Rates in that Township; and for other Purposes.

cxxxiii. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway, and to construct Railways to connect their Railway with the *Hereford, Hay, and Brecon*, and the *Brecon and Merthyr* Junction Railways; and for other Purposes.

cxxxiv. An Act to alter, amend, and extend the Powers of the Acts relating to the *Port Carlisle* Dock and Railway, and *Carlisle and Silloth Bay* Railway and Dock Companies: to enable the *Port Carlisle* Dock and Railway Company to raise additional Capital; to enable both or either of the said Companies to run over and use Portions of the Railways of the *Newcastle-upon-Tyne and Carlisle* Railway Company; to compel the *Newcastle-upon-Tyne and Carlisle* Railway Company to afford Facilities and Accommodation upon their Railways to the Traffic of the said Companies: and for other Purposes.

cxxxv. An Act to extend the Period limited by "The *Swansea* Harbour Act, 1839," for the Construction and Completion of the Works authorized by "The *Swansea* Harbour Act, 1854."

cxxxvi. An Act to empower the *Stockport, Disley, and Whaley Bridge* Railway Company to raise additional Money; and for other Purposes connected with their Undertaking.

cxxxvii. An Act for amending "The *Abergavenny* Improvement Act, 1854;" for enabling the Commissioners to construct Works, and supply their District with Water and Gas; and for other Purposes.

cxxxviii. An Act for renewing the Term and for more effectually repairing and maintaining the Road from the *Marchburn*, through *Kelso* in the County of *Roxburgh*, to *Lauder* in the County of *Berwick*, with a Branch from the said Road near *Fanslonend* in the County of *Berwick*, through the Village of *Earlston*, to the *Roxburghshire* Turnpike Road.

cxxxix. An Act for making a Branch Railway from the *Oswestry and Newtown* Railway at *Llynclly's* to the *Porthywaen* Lime Rocks in the County of *Salop*.

cxl. An Act to amalgamate the *Jedburgh* Railway Company with the *North British* Railway Company, and for other Purposes.

cxli. An Act for making a Railway from *Llandrindod* in the County of *Radnor* to *Llandovery* in the County of *Carmarthen*, to be called "The *Central Wales Extension* Railway;" and for other Purposes.

cxlii. An Act for making a Railway from the Royal Burgh of

of *Bervie* or *Inverbervie* in the County of *Kincardine* to the *Montrose* Branch of the *Scottish North-eastern* Railway in the County of *Forfar*, to be called "The *Montrose and Bervie* Railway."

cxliii. An Act to extend the *Epping* Railways to *Great Dunmow* in the County of *Essex*.

cxliv. An Act to enable the *Caledonian* Railway Company to acquire, make, and maintain certain Branch Railways to *Lanark* and to the *Douglas* Mineral Field, and also to their *Granton* Branch.

cxlv. An Act to enable the *West of Fife Mineral* Railway Company to extend the *Kingseat* Branch of their Railway; and for certain other Purposes.

cxlvi. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, intituled *An Act for repairing the Road from* Wimborne Minster *to* Blandford Forum *in the County of* Dorset, and to make other Provisions in lieu thereof, and for other Purposes.

cxlvii. An Act for the Transfer of the remaining Property of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively, to the *Charing Cross* Railway Company, and for the winding-up of the Affairs and the Dissolution of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively, and for other Purposes.

cxlviii. An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct and maintain an improved System of Waterworks; and for other Purposes.

cxlix. An Act for making a Railway from the *Chester and Holyhead* Railway near *Conway* to *Llanrwst*.

cl. An Act to enable the *Mersey* Docks and Harbour Board to erect Floating Bridges and other Works at *Liverpool* and *Woodside*, for improving the Communication between *Liverpool* and *Birkenhead;* and for other Purposes.

cli. An Act for making better Provision for the Maintenance, Regulation, and Improvement of *Watchet* Harbour; and for other Purposes.

clii. An Act to enable the *Wimbledon and Dorking* Railway Company to raise further Capital; and for other Purposes.

cliii. An Act for making a Railway from the *Waterford and Kilkenny* Railway at *Kilkenny* to the *Great Southern and Western* Railway at *Mountrath*, and for other Purposes.

cliv. An Act to consolidate into One Act, and to amend, extend, and enlarge the Powers and Provisions of the several Acts for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of *Everton, Scaftworth,*

worth, Gringley-on-the-Hill, Misterton, and *Walkeringham* in the County of *Nottingham*, and to make further and better Provision for such Embankment and Drainage.

clv. An Act for making a Railway from *Kilrush* to *Kilkee*, and for embanking and reclaiming certain Waste Lands in the estuary of *Poulnasherry* in the County of *Clare*.

clvi. An Act for authorizing the Construction of a Railway and Docks and other Works on the North Side of *Milford Haven* in the County of *Pembroke*, and for other Purposes.

clvii. An Act for the Extension of the *Waveney Valley* Railway from *Bungay* to *Beccles* in *Suffolk*.

clviii. An Act for authorizing the Transfer of the *Epsom and Leatherhead* Railway, and for other Purposes.

clix. An Act to confer Powers on the *North British* Railway Company to enlarge their Station at *Edinburgh*, and with respect to the *Carlisle Citadel* Station.

clx. An Act to enable the *Waterford and Limerick* Railway Company to construct a Tramway to the Market Place at *Limerick*, and a Railway with a Pier or Wharf in connexion therewith at their Terminus at *Waterford*; to raise additional Capital; and for other Purposes.

clxi. An Act for authorizing a Lease in perpetuity of the *Vale of Towy* Railway to the *Llanelly* Railway and Dock Company, and for increasing the Capital of the Company, and for other Purposes.

clxii. An Act for making Railways for the Purpose of connecting *Ryde* with *Ventnor* and the East Coast of the *Isle of Wight*, and for other Purposes.

clxiii. An Act for making a Railway from *Sudbury*, through *Melford*, to *Clare*.

clxiv. An Act for making a Railway from the *Vale of Clwyd* Railway at *Denbigh* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*, to be called "The *Denbigh, Ruthin, and Corwen* Railway."

clxv. An Act to repeal an Act, intituled *An Act for the Improvement of the Navigation of the River* Moy *in the Counties of* Mayo *and* Sligo *in* Ireland, and to grant other and further Powers for the Improvement of the said Navigation.

clxvi. An Act for making Railways between the *London, Brighton, and South Coast* and *Direct Portsmouth* Railways and *Hayling Ferry*, and for other Purposes.

clxvii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway to *Ossett* in the West Riding of the County of *York*; and for other Purposes.

clxviii. An Act for making an improved Communication between the *Great Northern* Railway and the *Metropolitan* Railway near

near the *King's Cross* Station, and for authorizing certain Arrangements between the *Great Northern* and *Metropolitan* Railway Companies with reference thereto.

clxix. An Act for incorporating and granting other Powers to "The Land Loan and Enfranchisement Company."

clxx. An Act to alter and amend "The *Scottish* Drainage and Improvement Company's Act, 1856."

clxxi. An Act to enable the *London, Brighton, and South Coast* Railway Company to make certain Alterations in their Coast Lines and in the Line of the *West End of London and Crystal Palace* Railway, a new Channel for the River *Arun*, and other Works; and for other Purposes.

clxxii. An Act for enabling the *Mid-Sussex and Midhurst Junction* Railway Company to deviate a Portion of the authorized Line of the *Mid-Sussex and Midhurst Junction* Railway, 1859.

clxxiii. An Act for making a Railway from the *Mid-Sussex and Midhurst Junction* Railway to *Petersfield* in the County of *Southampton*.

clxxiv. An Act for the Transfer of the *Farnborough Extension* Railway to the *London, Chatham, and Dover* Railway Company, and for the Dissolution of the *West End of London and Crystal Palace* Railway Company; and for other Purposes.

clxxv. An Act for making a Railway from *Llanidloes* in the County of *Montgomery* to *Pencader* in the County of *Carmarthen*, and for other Purposes.

clxxvi. An Act for consolidating the Acts relating to the Widows Fund of the Royal College of Surgeons of *Edinburgh*, for regulating the future Management of the said Fund, and for other Purposes.

clxxvii. An Act for enabling the *London, Chatham, and Dover* Railway Company to extend their Railway Communications to the Metropolis; and for other Purposes connected with their Undertaking.

clxxviii. An Act to enable the *Monkland* Railways Company to make and maintain a Branch Railway to *Shotts* Ironworks, and certain other Branches and Works in the Counties of *Lanark* and *Linlithgow;* and for other Purposes.

clxxix. An Act for vesting the *Hay* Railway in the *Hereford, Hay, and Brecon* Railway Company, and for dissolving the *Hay* Railway Company, and for other Purposes.

clxxx. An Act for making a Railway from the *Mid-Sussex* Railway to the *Godalming* Branch of the *London and South-western* Railway at *Guildford*, to be called "The *Horsham and Guildford Direct* Railway."

clxxxi. An Act to confer upon the Local Board of Health for *Macclesfield* further Powers with reference to the Supply of Gas, and for other Purposes.

clxxxii. An Act to authorize the Lease or Sale of the *Athenry and Tuam* Railway to the *Midland Great Western* Railway of *Ireland* Company, and for other Purposes.

clxxxiii. An Act for establishing Railway Communication between *Bedford* and *Cambridge*, and for other Purposes.

clxxxiv. An Act for confirming, with certain Variations, an Agreement made in the Year 1682 between the Masters of the Bench of the Honourable Society of *Lincoln's Inn* and *Henry Serle*, Esquire, and for the future Government and Regulation of *Serle's Court*, now commonly called *New Square, Lincoln's Inn*.

clxxxv. An Act for authorizing the *London and South-western* Railway Company to alter their *Kingston Bridge* Line: and for authorizing divers Arrangements between them and other Companies; and for other Purposes.

clxxxvi. An Act for enabling the Local Board of Health for the Borough of *Wigan* to abandon a Portion of their Waterworks, and to construct and maintain other Waterworks; and for other Purposes.

clxxxvii. An Act for the Creation of Capital Stocks and Debenture Stock of the *London, Chatham, and Dover* Railway Company, and for other Purposes.

clxxxviii. An Act for making a Railway from *Llangollen* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*, and for other Purposes.

clxxxix. An Act for providing and constructing Markets, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Parishes of *Burnham* and *Huntspill*, in the County of *Somerset*, and for supplying and lighting with Gas the Town or Hamlet of *Highbridge* and the Parishes or Places adjacent, all in the County of *Somerset*.

cxc. An Act for the improving of the Navigation of the River *Fergus*, and the embanking and reclaiming from the Sea of Waste Lands subject to be overflowed by the Tide on the Eastern and Western Sides of the River in the County of *Clare*.

cxci. An Act for converting Part of the River *Brue* into a Tidal Harbour, for making a Quay or Landing Place at *Burnham* in the County of *Somerset*, for regulating the Access thereto, and for other Purposes.

cxcii. An Act for making a Railway from the Town of *Aylesbury* to join the *Buckinghamshire* Railway at or near the *Claydon Junction*, to be called "The *Aylesbury and Buckingham* Railway," and for other Purposes.

cxciii. An

cxciii. An Act to establish at *Smithfield* in the City of *London* a Metropolitan Market for Meat, Poultry, and other Provisions; and for other Purposes connected therewith.

cxciv. An Act to rectify a Mistake in an Act of the present Session, "for incorporating and granting other Powers to 'The Land Loan and Enfranchisement Company.'"

cxcv. An Act to authorize the Amalgamation of the *Border Counties* Railway Company with the *North British* Railway Company; and for other Purposes.

cxcvi. An Act for making a Railway from the *Great Western* Railway to the Town of *Faringdon*, to be called "The *Faringdon* Railway."

cxcvii. An Act for forming a new Street and Railway to connect the *Metropolitan* Railway with the proposed Meat Market at *Smithfield* in the City of *London*, with a Depôt and Storehouses, and for other Purposes.

cxcviii. An Act to enable the *Hamilton and Strathaven* Railway Company to create Preference Shares; to extend the Time for completing their Line; and for other Purposes.

cxcix. An Act to extend the Time for the Completion of the *Forest of Dean Central* Railway, and for other Purposes.

cc. An Act for making a Railway from the *Midland Great Western* Railway of *Ireland* to the *Limerick and Ennis* Railway, to be called "The *Athenry and Ennis Junction* Railway," and for other Purposes.

cci. An Act for more effectually making, maintaining, and keeping in repair the Highways, Roads, and Bridges within the County of *Caithness*, and for other Purposes.

ccii. An Act to revive some of the Powers of "The *Galway* Harbour and Port Act, 1853," and to confer additional Powers on the *Galway* Harbour Commissioners, and for other Purposes.

cciii. An Act to incorporate a Company for making Railways in the West Part of the County of *Cork*, and for other Purposes.

PRIVATE

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the Sale of certain Estates at *Gibraltar* held on the Trusts of the Will of *John Maria Boschetti* deceased, and for the Investment of the Proceeds thereof in this Country.
2. An Act to incorporate the Governors of the Hospital in *Edinburgh* founded by *Daniel Stewart*, and to amend and explain his Trust Settlement.
3. An Act for the better leasing of the *Walworth* Manor Estate in the Parish of *Newington* in the County of *Surrey* to the respective Trustees of the Wills of *Samuel Brandon* deceased and *Thomas Brandon* deceased, and for Exchanges and a Partition, and other Purposes.
4. An Act for the Sale of the Settled Estates in the Counties of *Sligo* and *Galway* of *John* Lord *De Freyne*, and for the Purchase of Estates in the County of *Roscommon*, to be limited to the Uses of those Settled Estates.
5. An Act to enable the Trustees of Lord *Beauchamp*'s Charity to purchase the Right of Nomination to the Chapelry of *Newland* in the County of *Worcester*, and to vest in them the Site of the Church or Chapel of *Newland*.
6. An Act for granting further Power to lease for Building and Improving Purposes certain Parts of the Estates situate in the County of *Dublin* of Sir *Charles Compton William Domville* Baronet, and to accept Surrenders of Leases of such Portions of the said Estates, and for other Purposes.
7. An Act to vary or extend certain borrowing Powers contained in the Settlement of the Duke of *Norfolk*'s Estates, and for other Purposes.
8. An Act for amending the Powers of Leasing contained in the Will of the Right Honourable *Edward Michael* late Earl of *Longford* and Baron *Silchester* deceased, and for other Purposes.
9. An Act for authorizing the raising of Money for Payment of Incumbrances on the Estates in the Counties of *Roscommon* and *Sligo* and *Queen's County* of which the Right Honourable *Robert* Viscount *Lorton* is Tenant for Life in Possession, by Mortgage instead of Sale.

PRIVATE

PRIVATE ACT,

NOT PRINTED.

10. An Act for naturalizing *Charles Maria Joseph Livy Anthony James Joachim Levingstone Bandini Giustiniani, Caroline Maria Elena Gioacchina Bandini Giustiniani,* and *Elena Maria Concetta Isabella Gioacchina Guiseppa Bandini Giustiniani,* the infant Children of *Sigismund Nicholas Venantius Gaietano Francis Bandini Giustiniani* Esquire, commonly called Viscount *Kynnaird* Marquess *Bandini* in the *Roman* States, the only Son and Heir Apparent of *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara* Countess of *Newburgh.*

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Accommodation for Sheriff Courts, to provide additional . Cap. 79. 153

Administering of Poison; to amend the Law relating to the unlawful Administering of Poison . . . . . Cap. 8. 6

Administration and Probate (India); to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39 to Indian Bonds . . . . . Cap. 5. 2

Administration of Justice. *See* Administering of Poison. Admiralty Jurisdiction. Crown Debts. Malicious Injuries. Oaths.

Admiralty Jurisdiction (India); to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India Cap. 88. 180

Admission of Burgesses; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in Scotland . . . . . Cap. 47. 100

Adulteration of Food or Drink; for preventing the Adulteration of Articles of Food or Drink . . . . . Cap. 84. 167

Annuity Tax; to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith . . . . . Cap. 50. 110

Anstruther Union Harbour; for the Construction of a new Harbour, and the Improvement of the existing Harbour at Anstruther Easter (Fife) . . . . . Cap. 39. 59

Army; to repeal so much of the Act 22 & 23 Vict. c. 27, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty . . . . . Cap. 100. 222

——— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service . Cap. 65. 133

——— *See also* War Department.

Arsenals. *See* Defence of the Realm.

Articles of Food or Drink; for preventing the Adulteration of Cap. 84. 167

Artisans, Dwellings for; to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates Cap. 95. 212

Assessment in County of Inverness; to discharge a Debt on the Castle Stewart Estate and Nairn Road . . . . Cap. 37. 56

Page

Asylum for Criminal Lunatics; to make better Provision for the Custody and Care of Criminal Lunatics . . . . Cap. 75. 141
Attorneys, &c.; to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers . . Cap. 127. 434

Bank of England; to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England. . . . . Cap. 102. 223
Banks (Saving), Provision with respect to Monies received from Friendly Societies and . . . . . Cap. 137. 439
Bankruptcy; to amend certain Provisions in the Bankrupt Law of Scotland . . . . . Cap. 33. 52
Barnard's (Sir John) Act, &c.; to repeal the Act 7 Geo. II. c. 8 commonly called "Sir John Barnard's Act," and the Act 10 Geo. II. c. 8 Cap. 28. 50
Benefit Societies, to prevent the Members of, from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps Cap. 13. 8
Births, Deaths, and Marriages, to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29, relating to the Registration of Cap. 85. 173
Bleaching and Dyeing Works, to place the Employment of Women, Young Persons, and Children in, under the Regulations of the Factories Acts Cap. 78. 147
British Spirits; to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits Cap. 114. 313
——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . . Cap. 129. 434
——— to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond, &c. . . Cap. 113. 296
British Herring Fisheries; to amend the Law relative to . Cap. 92. 190
Building of Cottages for Labourers, Farm Servants, and Artisans by Proprietors of Entailed Estates . . . . Cap. 95. 212
——— of Industrial Museum for Scotland; to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum . . . . . Cap. 117. 421
Burgage Tenure; to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . Cap. 143. 465
Burghs, Councillors of Burghs; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs . . . . . Cap. 47. 100

Caledonian and Crinan Canals, to amend and enlarge the Powers and Provisions of the several Acts relating to the . . Cap. 46. 86
Canal Companies, to restrain the Exercise of certain Powers by Railway Companies being also . . . . . Cap. 41. 81
Castle Stewart and Nairn Road, to levy an Assessment in the County of Inverness to discharge a Debt on the . . . Cap. 37. 56
Census; for taking the Census in Scotland . . Cap. 98. 216
Certificated Conveyancers, to amend the Laws relating to Cap. 127. 434
Certificates to deal in Game; to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes Cap. 90. 183
Channel Islands; to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . Cap. 129. 434
Cheap Trains, &c.; to make perpetual the Act 21 & 22 Vict. c. 75, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies . . . . . Cap. 41. 81

Page
Chicory, to grant Duties of Excise on . . . Cap. 113. 296
Children, to place the Employment of, in Bleaching and Dyeing Works under the Regulations of the Factories Acts . . Cap. 78. 147
Civil Service Superannuation; to extend in certain Cases the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26) . Cap. 89. 182
Coal Mines, for the Regulation and Inspection of . Cap. 151. 489
Colonies, to extend certain Provisions for Admiralty Jurisdiction in Cap. 88. 180
Companies. *See* Canal, Railway, &c.
Compositions of an explosive Nature. *See* Gunpowder.
Consolidation. *See* Lands Clauses. Duties of Customs and Spirits.
Constabulary. *See* Police.
Contracts; to repeal the Act 7 Geo. II. c. 8, commonly called "Sir John Barnard's Act," and the Act. 10 Geo. II. c. 8 . Cap. 28 50
Conveyancers. *See* Attorneys, &c.
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102) . . . Cap. 99. 222
Cottages for Labourers, &c.; to facilitate the Building of Cottages for Labourers, Farm Servants, and Artisans, by the Proprietors of Entailed Estates in Scotland . . . . Cap. 95. 212
Councillors of Burghs, &c.; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs . . . . . Cap. 47. 100
Court Houses; to provide additional Accommodation for the Sheriff Courts . . . . . Cap. 79. 153
Criminal Lunatic Asylum; to make better Provision for the Custody and Care of Criminal Lunatics . . . . Cap. 75. 141
Crinan Canal; to amend and enlarge the Powers and Provisions of the several Acts relating to the . . . . Cap. 46. 86
Crown Debts and Judgments, to simplify and amend the Practice as to the Entry of Satisfaction on . . . . Cap. 115. 419
Custody of Lunatics. *See* Criminal Lunatic Asylum.
Customs; to amend the Laws relating to the Customs . Cap. 22. 22
——— to consolidate the Duties of Customs . . Cap. 110. 257
——— to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs Cap. 36. 54

Dealers in Spirits. *See* Excise Spirits.
Deaths, Births, and Marriages, to amend the Acts 17 & 18 Vict. c. 80, and 18 & 19 Vict. c. 29, relating to the Registration of . Cap. 85. 173
Debts (Crown); to amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments . . . Cap. 115. 419
Defence of the Realm; to make better Provision for acquiring Lands for the Defence of the Realm . . . . Cap. 112. 280
Distillation of Spirits; to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits . . . . . Cap. 114. 313
——— ——— *See also* Excise. Spirits.
Docks of Leith; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith . . . . . Cap. 48. 102
Drink, Articles of, for preventing the Adulteration of . Cap. 84. 167
Duties, Rates, and Taxes. *See* Chicory. Customs. Excise. Game Certificates. Highway Rates. Income Tax. Inventory Duty. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences. Probate.
Dwellings for the Labouring Classes; to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates . . . . . Cap. 95. 212
Dyeing Works, &c.; to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts . . . Cap. 78. 147

Page

East India Bonds, &c.; to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39. to Indian Bonds . . . . . Cap. 5. 2

East India Stock Transfer, &c.; to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England . . Cap. 102. 223

East Indies; to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India . Cap. 88. 180

——— to repeal so much of the Act 22 & 23 Vict. c. 27 and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty . . . . . Cap. 100. 222

——— to extend in certain Cases the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26) . . . . . Cap. 89. 182

Edinburgh, to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in, for the Erection of an Industrial Museum . . . Cap. 117. 421

——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, &c. . . . . Cap. 50. 110

Elections, Parliamentary; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102) . . . Cap. 99. 222

Employment of Women, &c. *See* Bleaching and Dyeing Works.

Entailed Estates. *See* Estates.

Estates (Entailed), to facilitate the Building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of . Cap. 95. 212

European Forces (India); to repeal so much of the Act 22 & 23 Vict. c. 27 and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army . . . . . Cap. 100. 222

Excise Duties; to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty of Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise . . Cap. 113. 296

——— to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits Cap. 114. 313

——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . Cap. 129. 434

——— to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes . . . Cap. 90. 183

Explosive Substances. *See* Fireworks.

Factories; to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts . . . . . Cap. 78. 147

Farm Servants, Dwellings for. *See* Labourers Cottages.

Fireworks; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks Cap. 139. 440

Fisheries; to extend the Act 8 & 9 Vict. c. 26 for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland . . . . . Cap. 45. 82

——— to amend the Law relative to the Scottish Herring Fisheries Cap. 92. 190

Food or Drink, for preventing the Adulteration of Articles of Cap. 84. 167

Page

Foreign Wines. *See* Excise.
Fortifications; to make better Provision for acquiring Lands for the Defence of the Realm . . . . . Cap. 112. 280
Fresh-water Fishing; to extend the Act 8 & 9 Vict. c. 26 for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland . . . . . Cap. 45. 82
Friendly Societies; to amend the Act 18 & 19 Vict. c. 63 relating to Friendly Societies . . . . . Cap. 58. 128
——— to make further Provision with respect to Monies received from Savings Banks and Friendly Societies . Cap. 137. 439

Game Certificates, &c.; to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes Cap. 90. 183
——— granting Licences to deal in Game, 1 & 2 Gul. IV c. 32 . . . . . *App.* 505
——— 2 & 3 Vict. c. 35 . . . . . *App.* 528
Gas, Sales of, to amend the Act 22 & 23 Vict. c. 66 for regulating Measures used in . . . . . Cap. 146. 487
General Prison at Perth. *See* Prisons.
Goods, Warehousing of. *See* Customs Duties.
Grounds for Rifle Practice, for facilitating the Acquisition by Rifle Volunteer Corps of . . . . . Cap. 140. 459
Gunpowder, &c.; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks Cap. 139. 440

Harbours, &c.; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith . . . . . Cap. 48. 102
——— for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter (Fife) . Cap. 39. 59
Heritable Securities, &c.; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property . Cap. 80. 162
Herring Fisheries; to amend the Law relative to the Scottish Herring Fisheries . . . . . Cap. 92. 190
Highland Roads and Bridges; to levy an Assessment in the County of Inverness to discharge a Debt on the Castle Stewart and Nairn Road Cap. 37. 56
Highway Rates; to continue the Act 4 & 5 Vict. c. 59 for authorizing the Application of Highway Rates to Turnpike Roads . Cap. 67. 139
Hops, to reduce the Excise Duty on, and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively Cap. 113. 296

Improvement of Landed Property. *See* Dwellings for Labouring Classes.
Improvement of Towns; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force Cap. 96. 214
Income Tax; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices . . Cap. 14. 9
India. *See* East Indies.
Indian Bonds and Securities; to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39 to Indian Bonds . . . . . Cap. 5. 2

Page

Industrial Museum for Scotland; to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum Cap. 117. 421

Injuries, Malicious; to amend the Act 7 & 8 Geo. IV. c. 30, relative to Malicious Injuries to Property . . . . Cap. 29. 51

Inland Bonding; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs Cap. 36. 54

Inspection, &c. of Mines. *See* Mines.

Inventory Duty; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property Cap. 80. 162

Inverness, to levy an Assessment in the County of, to discharge a Debt on the Castle Stewart and Nairn Road . . . Cap. 37. 56

Investments of Savings Banks, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies Cap. 137. 439

Jews; to amend the Act of 21 & 22 Vict. c. 49, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion Cap. 63. 132

Judgments; to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments . . . Cap. 115. 419

Jurisdiction, Admiralty (India); to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India Cap. 88. 180

Justice, Administration of. *See* Administering of Poison. Admiralty Jurisdiction. Crown Debts. Malicious Injuries. Oaths.

Labourers Cottages; to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates Cap. 95. 212

Land, to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . . . . Cap. 143. 465

Landed Property Improvement Act. *See* Dwellings for Labouring Classes.

Lands Clauses Consolidation Acts; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18 and 19), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts . . Cap. 106. 253

Lands, acquiring of, for the Defence of the Realm . . Cap. 112. 280

Leith; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith . . . . . Cap. 48. 102

——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith . . . . . Cap. 50. 110

Letters. *See* Postage.

Licences. *See* Excise. Game Certificates. Wine Licences.

Local Prisons in Scotland. *See* Prisons.

Lunatic Asylum for Criminals; to make better Provision for the Custody and Care of Criminal Lunatics . . . Cap. 75. 141

Made Wines, to grant Duties of Excise on Licences to Dealers in Cap. 113. 296

Malicious Injuries to Property, to amend the Act 7 & 8 Geo. IV. c. 30 relative to . . . . . Cap. 29. 51

Malt. *See* Hops.

Page

Marriages; to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29, relating to the Registration of Births, Deaths, and Marriages in Scotland . . . . . Cap. 85. 173
Measures for Sale of Gas, to amend the Act 22 & 23 Vict. c. 66 for regulating . . . . . Cap. 146. 487
Medical Acts; to amend the Medical Acts 21 & 22 Vict. c. 90 and 22 Vict. c. 21 . . . . . Cap. 7. 5
——————— to amend the Medical Act 21 & 22 Vict. c. 90. Cap. 66. 136
Militia; to amend the Laws relating to the Militia . Cap. 94. 203
Mines, for the Regulation and Inspection of . . Cap. 151. 489
Ministers Stipends. *See* Annuity Tax.
Montrose. *See* Annuity Tax.
Monies. *See* Savings Banks.
Museum. *See* Industrial Museum.

Nairn and Castle Stewart Road, to levy an Assessment in the County of Inverness to discharge a Debt on . . . . Cap. 37 56
Navy; to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service Cap. 65. 133
Nets. *See* Fisheries.
North Leith. *See* Leith.

Oaths; to amend the Act 21 & 22 Vict. c. 49 to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion Cap. 63. 132
Offices, Duties on. *See* Income Tax.

Parliamentary Elections; to continue the Corrupt Practices Prevention Act, 1854 (17 and 18 Vict. c. 102) . . . Cap. 99. 222
Pawnbrokers, to amend the Act 39 & 40 Geo. III. c. 99 for better regulating the Business of . . . . . Cap. 21. 22
Persons (Young), Employment of. *See* Bleaching and Dyeing Works.
Perth Prison; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland Cap. 105. 227
Poison, to amend the Law relating to the unlawful administering of Cap. 8. 6
Police of Towns; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force . Cap. 96. 214
Population; for taking the Census in Scotland . . Cap. 98. 216
Postage; to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service Cap. 65. 133
Prisons; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland Cap. 105. 227
Probate and Administration (India); to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39 to Indian Bonds . . . . Cap. 5. 2
Proctors; to amend the Laws relating to Attorneys, Solicitors, Proctors, &c. . . . . Cap. 127. 434
Professions, Duties on. *See* Income Tax.
Property, Malicious Injuries to; to amend the Act 7 & 8 Geo. IV. c. 30 relative to . . . . . Cap. 29. 51
Property Tax; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices . . Cap. 14. 9
Property, to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other . . Cap. 80. 162

Page

Public Buildings. *See* Works and Public Buildings.
Public Museum. *See* Industrial Museum.
Public Stocks. *See* Stock-jobbing.
Qualifications of Councillors; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs . . . . . Cap. 47. 100

Railways; to make perpetual the Act 21 & 22 Vict. c. 75. to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 41 81
Rates, Taxes, and Duties. *See* Chicory. Customs. Excise. Game Certificates. Highway Rates. Hops. Income Tax. Inventory Duty. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences.
Realm. *See* Defence of the Realm.
Rectification of Spirits. *See* Excise.
Redirected Letters. *See* Postage.
Registration of Births, &c.; to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29, relating to the Registration of Births, Deaths, and Marriages . . . . . Cap. 85. 173
Regulation of Mines. *See* Mines.
Rifle Volunteer Corps; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice . . . Cap. 140. 459
——— to prevent the Members of Benefit Societies from forfeiting their interest therein by being enrolled in . . . Cap. 13. 8
River Fishing. *See* Fisheries.
Roads. *See* Turnpike Roads.
Royal Arsenals. *See* Defence of the Realm.
Royal Burghs. *See* Councillors of Burghs.

Sale of Fireworks. *See* Fireworks.
Sale of Gas, to amend the Act 22 & 23 Vict. c. 66 for regulating Measures used in . . . . . Cap. 146. 487
Sales of Land. *See* Lands Clauses Consolidation Acts.
Salmon Fishing. *See* Fisheries.
Sanitary Improvements in Towns. *See* Towns Improvement.
Satisfaction on Crown Debts, &c., to simplify and amend the Practice as to the Entry of . . . . . Cap. 115. 419
Savings Banks, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies . Cap. 137. 439
Scottish Herring Fisheries, to amend the Law relative to the Cap. 92. 190
Seamen. *See* Postage.
Secretary of State for War. *See* War Department.
Securities, Government. *See* Probate and Stock-jobbing.
——— Heritable; to regulate the levying and Collection of the Inventory Duty upon . . . . . Cap. 80. 162
Sequestration; to amend certain Provisions in the Bankrupt Law of Scotland . . . . . Cap. 33. 52
Sheriff Court Houses; to provide additional Accommodation for the Sheriff Courts . . . . . Cap. 79. 153
Societies. *See* Benefit Societies. Friendly Societies. Savings Banks.
Soldiers. *See* Army. Postage.
Solicitors, &c.; to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers . . Cap. 127. 434
Spirits; to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits Cap. 114. 313
——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . . . Cap. 129. 434

Page

Spirits, to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond, &c. . . Cap. 113. 296
Stamp Duties; for granting to Her Majesty certain Duties of Stamps Cap. 15. 12
——— for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties . Cap. 111. 268
——— to repeal certain Stamp Duties . . Cap. 5. 2
——— *See also* Inventory Duty.
Stewart. *See* Castle Stewart.
Stipends (Ministers). *See* Annuity Tax.
Stock-jobbing; to repeal the Act 7 Geo. II. c. 8, commonly called "Sir John Barnard's Act," and the Act 10 Geo. II. c. 8 . Cap. 28. 50
Superannuation; to extend, in certain Cases, the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26) . . . Cap. 89. 182
Suppression of Illicit Distillation. *See* Spirits.
Sweets or Made Wines; to grant Duties of Excise on Licences to Dealers in Sweets or Made Wines . . . . Cap. 113. 296

Taxes, Rates, and Duties. *See* Annuity. Chicory. Customs. Excise. Game Certificates. Highway Rates. Hops. Income Tax. Inventory Duty. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences.
Titles to Land; to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . . Cap. 143. 465
Towns Improvement; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33) so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force Cap. 96. 214
Trades, Duties on. *See* Income Tax.
Trains. *See* Cheap Trains.
Transfer of East India Stock. *See* Bank of England.
Trout-fishing; to extend the Act 8 & 9 Vict. c. 26 for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland . . . . . Cap. 45. 82
Turnpike Roads, to continue the Act 4 & 5 Vict. c. 59 for authorizing the Application of Highway Rates to Turnpike Roads . Cap. 67. 139

Volunteer Corps; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice . . . . Cap. 140.
——— to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in . Cap. 13.

War Department; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18 and 19), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts . . . . . Cap. 106. 253
Warehousing of Goods; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs . . . . . Cap. 36. 54
Warrant Officers. *See* Postage.
White Herring Fisheries. *See* Herring Fisheries.
Wine Licences; for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences Cap. 113. 296

Page

Women, &c., Employment of. *See* Bleaching and Dyeing Works.
Works and Public Buildings, to confer Powers on the Commissioners of, to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum . . . . . Cap. 117. 421
Works. *See* Bleaching and Dyeing.

Yeomanry or Volunteer Corps, to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Cap. 13. 8
Young Persons, &c., Employment of. *See* Bleaching and Dyeing Works.

INDEX

INDEX

TO

THE PUBLIC GENERAL STATUTES,

23° & 24° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. ,, ,, ,, ,, ,, Great Britain.
E. ,, ,, ,, ,, ,, England.
S. ,, ,, ,, ,, ,, Scotland.
I. ,, ,, ,, ,, ,, Ireland.
W. ,, ,, ,, ,, ,, Wales.

Abolition of Offices. *See* Queen's Bench.
Accommodation for Sheriff Courts, to provide additional . Cap. 79. S.
Actions, Limitation of. *See* Limitation of Actions.
Administering of Poison; to amend the Law relating to the unlawful Administering of Poison . . . . . Cap. 8. G. B. & I.
Administration, Letters of. *See* Probate and Administration.
Administration of Justice. *See* Administering of Poison. Admiralty Jurisdiction. Chancery, Court of. Colonial Legislatures. Common Law Procedure. Coroners. Crown Debts. Debtors and Creditors. Divorce Court. Duchy of Cornwall. Ecclesiastical Courts. Law and Equity. Malicious Injuries. Oaths. Petitions of Right. Queen's Bench.
Admiralty; to transfer to the Postmaster-General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service Cap. 6. U. K.
Admiralty Jurisdiction (India); to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India Cap. 88. U. K.
Admission of Burgesses; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in Scotland. Cap. 47. S.
Adulteration of Food or Drink; for preventing the Adulteration of Articles of Food or Drink . . . . . Cap. 84. G. B. & I.
Africa, Coast of; to amend 6 & 7 Vict. c. 13, to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands . . . . . Cap. 121. U. K.
Aids, Application of. *See* Consolidated Fund.
Allowances to Militia Officers. *See* Militia.

Annual Returns, &c.; to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes . . . . . Cap. 51. E.
Annuity Tax; to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith . . . . . Cap. 50. S.
Anstruther Union Harbour; for the Construction of a new Harbour, and the Improvement of the existing Harbour at Anstruther Easter (Fife) Cap. 39. S.
Application of Aids. *See* Consolidated Fund.
Appointment of Coroners. *See* Coroners.
Appointments Continuance. *See* Copyhold Commission, &c.
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1860, and to appropriate the Supplies granted in this Session of Parliament Cap. 131. U. K.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 9. U. K.
——— to repeal so much of the Act 22 & 23 Vict. c. 27, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty . Cap. 100. U. K.
——— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Solders whilst on actual Service . . . Cap. 65. U. K.
——— *See also* War Department.
Arrangements for Relief of Turnpike Trusts. *See* Turnpike Roads, &c.
Arsenals. *See* Defence of the Realm.
Articles of Food or Drink; for preventing the Adulteration of Cap. 84. G. B. & I.
Artisans, Dwellings for. *See* Labourers Cottages.
Assessment in County of Inverness; to discharge a Debt on the Castle Stewart Estate and Nairn Road . . . . . Cap. 37. S.
Asylum for Criminal Lunatics; to make better Provision for the Custody and Care of Criminal Lunatics . . . . . Cap. 75. E.
Attorneys, &c.; to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers . . . . Cap. 127. E.
Augmentation of small Benefices; to promote and facilitate the Endowment and Augmentation of small Benefices . . . . Cap. 72. I.

Ballots for the Militia. *See* Militia.
Banbury. *See* Local Government.
Bank of England; to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England . . . . . Cap. 102. U. K.
Banks (Saving), Provision with respect to Monies received from Friendly Societies and . . . . . Cap. 137. G. B. & I.
Bank of Ireland; to repeal a certain Enactment in 21 & 22 Geo. III. c. 16 (I.), for restraining the Governor and Company of the Bank of Ireland from lending Money on Mortgage . . . . . Cap. 31. I.
——— to make Provision as to Stock and Dividends unclaimed in Ireland Cap. 71. I.
Bankruptcy; to amend certain Provisions in the Bankrupt Law of Scotland Cap. 33. S.
Barnard's (Sir John) Act, &c.; to repeal the Act 7 Geo. II. c. 8 commonly called "Sir John Barnard's Act," and the Act 10 Geo. II. c. 8 Cap. 28. G. B. & I.
Barnsley. *See* Local Government.
Benefices. *See* Augmentation of small Benefices. Union of Benefices.
Benefit Societies, to prevent the Members of, from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps . Cap. 13. G. B.
Births, Deaths, and Marriages, to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29, relating to the Registration of . . Cap. 85. S.
Bleaching and Dyeing Works, to place the Employment of Women, Young Persons, and Children in, under the Regulations of the Factories Acts Cap. 78. G. B. & I.

Boards of Health; to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards Cap. 64. E.
Borough Coroners, to amend the Provisions of the Municipal Corporations Act, 3 & 4 Vict. c. 108, with respect to the Appointment of . Cap. 74. I.
Boston. *See* Local Government.
Brawling, to abolish the Jurisdiction of the Ecclesiastical Courts in certain Cases of . . . . . Cap. 32. E. & I.
Bridgnorth. *See* Local Government.
British Spirits. *See* Spirits.
British White Herring Fisheries. *See* Herring Fisheries.
Building of Cottages for Labourers, Farm Servants, and Artisans by Proprietors of Entailed Estates . . . . . Cap. 95. S.
——— *See* Industrial Museum.
Buildings, Metropolitan; to alter and amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122) . . . . . Cap. 52. E.
Burgage Tenure; to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . . . . Cap. 143. S.
Burghs. *See* Councillors of Burghs.
Burial Boards; to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards Cap. 64. E.
Burial Grounds; to amend the Burial Grounds (Ireland) Act, 1856 (19 & 20 Vict. c. 98) . . . . . Cap. 76. I.

Caledonian and Crinan Canals, to amend and enlarge the Powers and Provisions of the several Acts relating to the . . . . . Cap. 46. S.
Canal Companies. *See* above, &c.
——————— to restrain the Exercising certain Powers by Railway Companies being also . . . . . Cap. 41. G. B. & I.
Capitular Estates. *See* Episcopal and Capitular Estates.
Castle Stewart and Nairn Road, to levy an Assessment in the County of Inverness to discharge a Debt on the . . . . . Cap. 37. S.
Cathedral Church of Manchester, to enable the Ecclesiastical Commissioners for England to apply certain Funds towards the Repairs of the Cap. 69. E.
Census; for taking the Census of England . . . Cap. 61. E.
——— for taking the Census in Scotland . . . Cap. 98. S.
——— for taking the Census of Ireland . . . Cap. 62. I.
Central Arsenal; for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal . Cap. 109. G. B. & I.
Certificated Conveyancers, to amend the Laws relating to . Cap. 127. E.
Certificates to deal in Game; to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes Cap. 90. G. B. & I. Cap. 113. § 43. I.
Chancery, Court of; to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court . . . . . Cap. 128. E.
——— to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery and Pauper Defendants, and for the more efficient Despatch of Business in the said Court . . . Cap. 149. E.
——— to explain the Act 18 & 19 Vict. c. 43, for enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real or Personal Estate on Marriage . . . Cap. 83. E & I.
Channel Islands; to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . . . Cap. 129. U. K.
Charities; to amend the Law regarding Roman Catholic Charities Cap. 134. U. K.
——— to amend the Law relating to the Administration of Endowed Charities . . . . . Cap. 136. E.
Charity Commission; for confirming a Scheme of the Charity Commissioners for

the Administration of Archbishop Tenison's Charity in the Parish of Saint Martin in the Fields . . . . . Cap. 43. E.
Chatham. *See* Local Government.
Cheap Trains, &c.; to make perpetual the Act 21 & 22 Vict. c. 75. to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 41. G. B. & I.
Chicory, to grant Duties of Excise on .. . . . Cap. 113. G. B. & I.
Children, &c., Employment of. *See* Bleaching and Dyeing Works.
Church Temporalities; further to amend certain Acts relating to the Temporalities of the Church in Ireland . . . . . Cap. 150. I.
Civil Service Superannuation; to extend in certain Cases the Provisions of the Superannuation Act, 1859, 22 Vict. c. 26 . . . . Cap. 89. U. K.
Coast of Africa; to amend the Act 6 & 7 Vict. c. 13 to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands . . . . . Cap. 121. U. K.
Colewort Barracks (Portsmouth); for extinguishing certain Rights of Way through Colewort Barracks . . . . . Cap. 49. E.
College Estates; to extend the Provisions of the Universities and College Estates Act, 1858, 21 & 22 Vict. c. 44, and of the Copyhold Acts, and of the Acts 3 & 4 Vict. c. 113 and 17 & 18 Vict. c. 84, so far as the same relate to Universities and Colleges . . . . . Cap. 59. E.
College at Maynooth; to enable the Trustees of the Royal College of Saint Patrick at Maynooth to make Provision for certain necessary Buildings and Repairs Cap. 104. I.
Collegiate Church of Manchester. *See* Manchester Cathedral Church.
Collieries. *See* Mines.
Colonial Legislatures; to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act 9 Geo IV. c. 31. s. 8 . . . . . Cap. 122. U. K.
Colonies; to extend certain Provisions for Admiralty Jurisdictions in Cap. 88. U. K.
Commissioners of the Admiralty. *See* Admiralty.
Common Law Procedure; for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster . . . . . Cap. 126. E.
——————— to amend the Provisions of the Common Law Procedure (Ireland) Act Amendment, 1853 (16 & 17 Vict. c. 113) . Cap. 82. I.
Common Lodging Houses; to remove Doubts as to the Application of "The Common Lodging Houses Acts" to Ireland, and to amend the Provisions of the same so far as they relate to Ireland . . . . Cap. 26. I.
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners . . . Cap. 17. E.
——————— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . . Cap. 55. E.
Commutation of Tithes; to amend and further extend the Acts for the Commutation of Tithes in England and Wales . . . Cap. 93. E.
Companies. *See* Canal, Railway, &c.
Compositions of an explosive Nature. *See* Gunpowder.
Consolidation. *See* Lands Clauses. Duties of Customs and Spirits.
Consolidated Fund; to apply the Sum of £407,649 out of the Consolidated Fund to the Service of the Year ending the 31st March 1860 . Cap. 2. U. K.
——————— to apply the Sum of £4,500,000 out of the Consolidated Fund to the Service of the Year 1860 . . . . Cap. 3. U. K.
——————— to apply the Sum of £850,000 out of the Consolidated Fund to the Service of the Year ending 31st March 1860 . . Cap. 12. U. K.
——————— to apply the Sum of £9,500,000 out of the Consolidated Fund to the Service of the Year 1860 . . . . Cap. 25. U. K.
——————— to apply the Sum of £10,000,000 out of the Consolidated Fund to the Service of the Year 1860 . . . . Cap. 103. U. K.
——————— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1860, and to appropriate the Supplies granted in this Session of Parliament . . Cap. 131. U. K.

Constabulary. *See* Police.
Contempt, Prisoners for; to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court . Cap. 149. E.
Contiguous Benefices. *See* Union of Benefices.
Contracts. *See* Packet Service. Barnard's Act.
Conveyancers. *See* Attorneys, &c.
Copyhold Commission, &c.; to continue Appointments under the Act 14 and 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts Cap. 81. G. B. & I.
Copyholds. *See* Universities and College Estates.
Cornwall, Duchy of; for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy . . . . . Cap. 53. E.
Coroners; to amend the Law relating to the Election, Duties, and Payment of County Coroners . . . . . Cap. 116. E.
——— to amend the Provisions of the Municipal Corporations Act, 3 & 4 Vict. c. 108, with respect to the Appointment of Coroners in Boroughs Cap. 74. I.
Corporations, Municipal. *See* Municipal Corporations.
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102) . . . . . Cap. 99. G. B. & I.
Costs of Petitions of Right; to amend the Law relating to Petitions of Right, to simplify the Proceedings, and to make Provisions for the Costs thereof Cap. 34. E.
Cottages for Labourers, &c.; to facilitate the Building of Cottages for Labourers, Farm Servants, and Artisans, by the Proprietors of Entailed Estates in Scotland . . . . . Cap. 95. S.
Council of Governor General of India, to remove Doubts as to the Authority of the Senior Member of the, in the Absence of the President Cap. 87. U. K.
Councillors of Burghs, &c.; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs Cap. 47. S.
County Coroners, to amend the Law relating to the Election, Duties, and Payment of . . . . . Cap. 116. E.
Court Houses; to provide additional Accommodation for the Sheriff Courts Cap. 79. S.
Courts. *See* Chancery. Common Law Procedure. Divorce Court. Ecclesiastical Courts. Law and Equity. Queen's Bench. Sheriff Court Houses.
Coventry. *See* Local Government.
Craven Scholarships; for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents . . Cap. 91. E.
Creditors and Debtors; to amend the Act 7 & 8 Vict. c. 70 . Cap. 147. E.
Criminal Lunatic Asylum; to make better Provision for the Custody and Care of Criminal Lunatics . . . . . Cap. 75. E.
Crinan Canal, to amend and enlarge the Powers and Provisions of the several Acts relating to the . . . . . Cap. 46. S.
Crown Debts and Judgments, to simplify and amend the Practice as to the Entry of Satisfaction on . . . . . Cap. 115. U. K.
Crown Office; to amend the Act 6 & 7 Vict. c. 20, for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office . . . . . Cap. 54. E.
Custody of Lunatics. *See* Criminal Lunatic Asylum.
Custody of Documents. *See* Oxford University.
Customs; to amend the Laws relating to the Customs . . Cap. 22. U. K.
——— to consolidate the Duties of Customs . . . Cap. 110. U. K.
——— to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs . Cap. 36. U. K.

Dartmouth. *See* Local Government.
Dead, Interment of. *See* Burial Boards. Burial Grounds.

Dealers in Spirits. *See* Excise Spirits.
Deaths, Births, and Marriages, to amend the Acts 17 & 18 Vict. c. 80, and 18 & 19 Vict. c. 29, relating to the Registration of . . Cap. 85. S.
Debts (Crown); to amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments . . . . . Cap. 419. U. K.
Debtors and Creditors; to amend the Act 7 & 8 Vict. c. 70 . Cap. 147. E.
Defamation, to abolish the Jurisdiction of the Ecclesiastical Courts in Ireland in Cases of . . . . . Cap. 32. E. & I.
Defence of the Realm; to make better Provision for acquiring Lands for the Defence of the Realm . . . . . Cap. 112. G. B. & I.
——— for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal Cap. 109. G. B. & I.
Defendants, Pauper. *See* Chancery, Court of.
Desertion. *See* Mutiny.
Despatch of Business in Chancery. *See* Chancery, Court of.
Discipline, Naval; to amend the Laws relating to the Government of the Navy Cap. 123. U. K.
Diseases Prevention; to amend the Acts 18 & 19 Vict. cc. 121 and 116. for the Removal of Nuisances and the Prevention of Diseases . Cap. 77. E.
Disembodied Militia. *See* Militia.
Distillation of Spirits, to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits Cap. 114. U. K.
——— *See also* Excise. Spirits.
Dividends, Unclaimed; to make Provision as to Stock and Dividends unclaimed in Ireland . . . . . Cap. 71. I.
Divorce Court; to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes . . . . . Cap. 144. E.
Docks at Leith. *See* Leith Harbour and Docks.
Dockyards; for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations . . . Cap. 135. E.
——— *See also* Defence of the Realm.
Dominica Hurricane; to authorize an Extension of the Time for Repayment of a Loan made by the West India Relief Commissioners to the Island of Dominica . . . . . Cap. 57. U. K.
Dorchester. *See* Local Government.
Dover. *See* Fortifications.
Drink, Articles of, for preventing the Adulteration of . Cap. 84. G. B. & I.
Dublin; to vest the Management of the Phœnix Park in the Commissioners of Public Works in Ireland . . . . . Cap. 42. I.
Duchy of Cornwall; for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy . . . . . Cap. 53. E.
Duties, Rates, and Taxes. *See* Chicory. Customs. Excise. Game Certificates. Highway Rates. Income Tax. Inventory Duty. Local Taxation. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences. Probate.
Dwellings for the Labouring Classes, to extend the Act 10 & 11 Vict. c. 32, and the Acts amending the same, to the Erection of . . Cap. 19. I.
——— to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates . . . . . Cap. 95. S.
Dyeing Works, &c.; to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts . . . . . Cap. 78. G. B. & I.

East India Bonds, &c.; to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39. to Indian Bonds Cap. 5. U. K.
East India Loan; to enable the Secretary of State in Council of India to

raise Money in the United Kingdom for the Service of the Government of India . . . . . Cap. 130. U. K.
East India Stock Transfer, &c. ; to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England . . . . . Cap. 102. U. K.
East Indies ; to remove Doubts as to the Authority of the Senior Member of the Council of the Governor General of India in the Absence of the President Cap. 87. U. K.
——— to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India . . . Cap. 88. U. K.
——— to repeal so much of the Act 22 & 23 Vict. c. 27 and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty Cap. 100. U. K.
——— to extend in certain Cases the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26) . . . . . Cap. 89. U. K.
Ecclesiastical Commission, &c. ; further to amend the Acts relating to the Ecclesiastical Commissioners, &c. . . . . Cap. 124. E.
——— to enable the Ecclesiastical Commissioners for England to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of Manchester . . . . . Cap. 69. E.
——— to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs . . . Cap. 142. E.
——— further to amend certain Acts relating to the Temporalities of the Church in Ireland . . . . Cap. 150 I.
Ecclesiastical Courts, to abolish the Jurisdiction of, in Ireland in Cases of Defamation, and in England and Ireland in certain Cases of Brawling Cap. 32. E. & I.
Edinburgh, to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in, for the Erection of an Industrial Museum . . . . . Cap. 117. S.
——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, &c. Cap. 50. S.
Election, &c. of Coroners. *See* Coroners.
Elections, Parliamentary ; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102) . . . . . Cap 99. G. B. & I.
Emblems, Party ; to amend the Act 13 and 14 Vict. c. 2 to restrain Party Processions . . . . . Cap. 141. I.
Employment of Women, &c. *See* Bleaching and Dyeing Works.
Endowed Charities, to amend the Law relating to the Administration of Cap. 136. E.
Endowed Schools, to amend the Law relating to . . Cap. 11. E.
Endowment, &c. of Small Benefices ; to promote and facilitate the Endowment and Augmentation of Small Benefices . . . Cap. 72. I.
Entailed Estates. *See* Estates.
Episcopal and Capitular Estates ; further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates . . . . . Cap. 124. E.
Epsom. *See* Local Government.
Equity. *See* Chancery, Court of. Common Law Procedure.
Estates (Entailed), to facilitate the Building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of . . . Cap. 95. S.
Estates. *See* Universities and College Estates.
European Forces (India) ; to repeal so much of the Act 22 & 23 Vict. c. 27 and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army Cap. 100. U. K.
Evidence (Chancery) ; to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court Cap. 128. E.
Exchequer Bills, &c. ; for raising the Sum of £13,230,000 by Exchequer Bills for the Service of the Year 1860 . . . . Cap. 20. U. K.

Exchequer Bills, &c.; for raising the Sum of £2,000,000 by Exchequer Bonds or Exchequer Bills for the Service of the Year 1860 . . Cap. 132. U. K.
Excise Duties; to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty of Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise . . . . . Cap. 113. G. B. & I.
——————— to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits . Cap. 114. U. K.
——————— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . . . Cap. 129. U. K.
——————— to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes . . . . Cap. 90. G. B. & I.
——————— *See also* Wine Licences, &c.
Explosive Substances. *See* Fireworks.
Extra-parochial Places, to remove Doubt as to the Validity of certain Marriages in . . . . . Cap. 24. E.

Factories; to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts . . . . . Cap. 78. G. B. & I.
Falkland Islands. *See* Coast of Africa.
Fareham. *See* Local Government.
Farm Servants, Dwellings for. *See* Labourers Cottages.
Fireworks; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . . . Cap. 139. G. B. & I.
Fisheries; to extend the Act 8 & 9 Vict. c. 26 for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland Cap. 45. S.
——————— to amend the Law relative to the Scottish Herring Fisheries Cap. 92. S.
Food or Drink, for preventing the Adulteration of Articles of Cap. 84. G. B. & I.
Foreign Wines. *See* Excise.
Fortifications; for defraying the Expenses of Constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal . Cap. 109. G. B. & I.
——————— to make better Provision for acquiring Lands for the Defence of the Realm . . . . . Cap. 112. G. B. & I.
Fresh-water Fishing; to extend the Act 8 & 9 Vict. c. 26 for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland . . . . . Cap. 45. S.
Friendly Societies; to amend the Act 18 & 19 Vict. c. 63 relating to Friendly Societies . . . . . Cap. 58. G. B. & I.
——————— to make further Provision with respect to Monies received from Savings Banks and Friendly Societies . Cap. 137. G. B. & I.
Friends, Society of; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends Cap. 18. E. & I.

Game Certificates, &c.; to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes Cap. 90. G. B. & I. Cap. 113. § 43. I.
Gas, Sales of, to amend the Act 22 & 23 Vict. c. 66 for regulating Measures used in . . . . . Cap. 146. G. B. & I.
Gas, Supply of; for better regulating the Supply of Gas to the Metropolis Cap. 125. E.
General Prison at Perth. *See* Prisons.
General Rules in Chancery. *See* Evidence.

Goods, Warehousing of. *See* Customs Duties.
Government of India. *See* East India Loan.
Government of the Navy; to amend the Laws relating to the Government of the Navy . . . . . Cap. 123. U. K.
Grounds for Rifle Practice, for facilitating the Acquisition by Rifle Volunteer Corps of . . . . . Cap. 140. G. B.
Gunpowder, &c.; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . Cap. 139. G. B. & I.

Harbours, &c.; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith . . . . . Cap. 48. S.
—— —— for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter (Fife) . . Cap. 39. S.
———— to make further Provision for Improvements in the Harbours of the Isle of Man . . . . . Cap. 56. E.
Hastings. *See* Local Government.
Health, Boards of. *See* Local Boards of Health.
Heritable Securities, &c.; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property Cap. 80. S.
Herring Fisheries; to amend the Law relative to the Scottish Herring Fisheries Cap. 92. S.
High Court of Chancery. *See* Chancery, Court of.
Highland Roads and Bridges; to levy an Assessment in the County of Inverness to discharge a Debt on the Castle Stewart and Nairn Road Cap. 37. S.
Highway Rates; to continue the Act 4 & 5 Vict. c. 59 for authorizing the Application of Highway Rates to Turnpike Roads . . Cap. 67. E.
Highways (South Wales), for the better Management and Control of Cap. 68. W.
Hops, to reduce the Excise Duty on, and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively . Cap. 113. G. B. & I.
Hurricane at Dominica. *See* West India Relief.

Illicit Distillation; further to amend the Act 18 & 19 Vict. c. 62 to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation . . Cap. 35. I.
Improvement Commissioners. *See* Local Boards of Health.
Improvement of Landed Property. *See* Tenure and Improvement of Land. Dwellings for Labouring Classes.
Improvement of Towns; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force . . . Cap. 96. S.
Improvements, Public; to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District . Cap. 30. E.
Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners . . . . . Cap. 17. E.
———— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . . . Cap. 55. E.
———— to continue Appointments under the Act 14 & 15 Vict. c. 53 for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts . Cap. 81. G. B. & I.
Income Tax; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices . . Cap. 14. G. B. & I.
Indemnity; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively . . . . . Cap. 40. G. B. & I.
India. *See* East Indies.
Indian Bonds and Securities; to regulate Probate and Administration with re-

spect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39 to Indian Bonds . . . . . Cap. 5. U. K.
Industrial Museum for Scotland; to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum . . Cap. 117. S.
Industrial Schools; to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48) . . . . . Cap. 108. E.
Infants Marriages; to explain the Act 18 & 19 Vict. c. 43, for enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage . Cap. 83. E. & I.
Injuries, Malicious; to amend the Act 7 & 8 Geo. IV. c. 30, relative to Malicious Injuries to Property . . . . . Cap. 29. E.
Inland Bonding; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs Cap. 36. U. K.
Inspection, &c. of Mines. *See* Mines.
Interment of the Dead. *See* Burial Boards. Burial Grounds.
Inventory Duty; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property . Cap. 80. S.
Inverness, to levy an Assessment in the County of, to discharge a Debt on the Castle Stewart and Nairn Road . . . . . Cap. 37. S.
Investments of Savings Banks, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies Cap. 137. G. B. & I.
Ionian Islands (Marriages); to make Provision respecting the Marriages of British Subjects in the Ionian Islands . . . . Cap. 86. U. K.
Ipswich. *See* Local Government.
Ireland, Acts relating specially to. *See* Augmentation of small Benefices. Bank of Ireland. Borough Coroners. Burial Grounds. Census. Church Temporalities. Common Law Procedure. Common Lodging Houses. Coroners. Dublin. Dwellings for the Labouring Classes. Illicit Distillation. Land. Landlord and Tenant. Maynooth College. Municipal Corporations. Party Emblems. Peace Preservation. Phœnix Park. Poor Law. Railways. Rateable Property Valuation. Refreshment Houses and Wine Licences. Spirits. Tenure and Improvement of Land. Tramways. Unclaimed Dividends. Valuation of Rateable Property. Weights and Measures.
Isle of Man Harbours; to make further Provision for Improvements in the Harbours of the Isle of Man . . . . . Cap. 56. E.

Jews; to amend the Act of 21 & 22 Vict. c. 49, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion Cap. 63. G. B. & I.
Judgments; to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments . . . Cap. 115. U. K.
Jurisdiction, Admiralty (India); to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India Cap. 88. U. K.
Justice, Administration of. *See* Administering of Poison. Admiralty Jurisdiction. Chancery, Court of. Colonial Legislatures. Common Law Procedure. Coroners. Crown Debts. Debtors and Creditors. Divorce Court. Duchy of Cornwall. Ecclesiastical Courts. Law and Equity. Malicious Injuries. Oaths. Petitions of Right. Queen's Bench.

Labourer's Cottages; to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates Cap. 95. S.
——— to extend the Act 10 & 11 Vict. c. 32, to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes . Cap. 19. I.
Land, to amend the Law relating to the Tenure and Improvement of Cap. 153. I.
—— to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . . . . Cap. 143. S.

Landed Property Improvement Act. *See* Dwellings for Labouring Classes.
Landlord and Tenant, to consolidate and amend the Law of . Cap. 154. I.
Lands Clauses Consolidation Acts; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18 and 19), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts . . . . . Cap. 106. G. B. & I.
Lands, Inclosure of; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners . . . Cap. 17. E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . . . Cap. 55. E.
——— acquiring of, for the Defence of the Realm . Cap. 112. G. B. & I.
Law and Equity; for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster . . . . Cap. 126. E.
Law of Property; to further amend the Law of Property Cap. 38. E. & I.
Leases, Authorization of. *See* Duchy of Cornwall.
Leicester. *See* Local Government.
Leith; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith Cap. 48. S.
——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith Cap. 50. S.
Letters. *See* Postage.
Licences. *See* Excise. Game Certificates. Wine Licences.
Limitation of Actions (Duchy of Cornwall); for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy . . Cap. 53. E.
Lists and Ballots for the Militia. *See* Militia.
Loan (East Indian); to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India Cap. 130. U. K.
Local Boards of Health, &c.; to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards Cap. 64. E.
Local Government; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98), relating to the Districts of Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnsley, and Shipley, &c. Cap. 44. E.
——— to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of Nottingham, Sunderland, Hastings, Reading, Chatham, Dartmouth, Tunbridge Wells, Sheerness, Sandgate, Wilton, Bridgnorth, and Dorchester . . . Cap. 118. E.
Local Prisons in Scotland. *See* Prisons.
Local Taxation; to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes . . . . . Cap. 51. E.
Lodging Houses; to remove Doubts as to the Application of "The Common Lodging Houses Acts" to Ireland, and to amend the Provisions of the same so far as they relate to Ireland . . . . . Cap. 26. I.
Ludlow. *See* Local Government.
Lunatic Asylum for Criminals; to make better Provision for the Custody and Care of Criminal Lunatics . . . . . Cap. 75. E.
——— *See also* Queen's Prison.

Made Wines, to grant Duties of Excise on Licences to Dealers in Cap. 113. G. B. & I.
Malicious Injuries to Property, to amend the Act 7 & 8 Geo. IV. c. 30 relative to Cap. 29. E.

Malt. *See* Hops.
Man, Isle of; to make further Provision for Improvements in the Harbours of the Isle of Man . . . . . Cap. 56. E.
Manchester Cathedral Church, to enable the Ecclesiastical Commissioners to apply certain Funds towards the Repairs of . . . . Cap. 69. E.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . . Cap. 10. U. K.
Marriages; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers Cap. 18. E. & I.
——— to remove Doubt as to the Validity of certain Marriages in extra parochial Places . . . . . Cap. 24. E.
——— to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29. relating to the Registration of Births, Deaths, and Marriages in Scotland Cap. 85. S.
——— to render valid certain Marriages in the Chapel of Saint Mary in Rydal (Westmoreland) . . . . . Cap. 1. E.
——— to make Provision respecting the Marriages of British Subjects in the Ionian Islands . . . . . Cap. 86. U. K.
——— to explain the Act 18 & 19 Vict. c. 43. for enabling infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real or Personal Estate on Marriage . . . Cap. 83. E. & I.
Matrimonial Causes. *See* Divorce Court.
Maynooth College, to enable the Trustees of, to make Provision for certain necessary Buildings and Repairs . . . . . Cap. 104. I.
Measures; to amend the Law relating to Weights and Measures in Ireland Cap. 119. I.
Measures for Sale of Gas, to amend the Act 22 & 23 Vict. c. 66 for regulating Cap. 146. G. B. & I.
Medical Acts; to amend the Medical Acts 21 & 22 Vict. c. 90 and 22 Vict. c. 21 Cap. 7. G. B. & I.
——— to amend the Medical Act 21 & 22 Vict. c. 90. Cap. 66. G. B. & I.
Metropolis Gas Supply; for better regulating the Supply of Gas to the Metropolis Cap. 125. E.
Metropolitan Buildings; to alter and amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122) . . . . . Cap. 52. E.
Metropolitan Police Force; for the Employment of the Metropolitan Police Force in Her Majesty's Yards, &c. . . . . Cap. 135. E.
Military Stations. *See* Dockyards.
Militia; to amend the Laws relating to the Militia . Cap. 94. G. B. & I.
——— to amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom . . . . . Cap. 120. G. B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, &c. Cap. 133. G. B. & I.
Mines, for the Regulation and Inspection of . . . Cap. 151. G. B.
Ministers Stipends. *See* Annuity Tax.
Montrose. *See* Annuity Tax.
Monies. *See* Savings Banks.
Mortgages, &c.; to make further Provision concerning Mortgages and other Dispositions of Property belonging to Municipal Corporations Cap. 16. E. & I.
——— to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills Cap. 145. E. & I.
——— to repeal a certain Enactment in 21 & 22 Geo. III. c. 16 (I.) for restraining the Governor and Company of the Bank of Ireland from lending Money on Mortgate . . . . . Cap. 31. I.
Municipal Corporations, to amend the Provisions of the Act 3 & 4 Vict. c. 108 for the Regulation of, with respect to the Appointment of Coroners in Boroughs Cap. 74. I.
——— ——— to make further Provision concerning Mortgages and other Dispositions of Property belonging to . . Cap. 16. E. & I.

Museum. *See* Industrial Museum.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . Cap. 9. U. K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore Cap. 10. U. K.

Nairn and Castle Stewart Road, to levy an Assessment in the County of Inverness to discharge a Debt on . . . . . Cap. 37. S.
Naval Discipline—Navy; to amend the Laws relating to the Government of the Navy . . . . . Cap. 123. U. K.
——— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service . Cap. 65. U. K.
Nets. *See* Fisheries.
North Leith. *See* Leith.
Nottingham. *See* Local Government.
Nuisances Removal, &c.; to amend the Acts 18 & 19 Vict. cc. 121 and 116 for the Removal of Nuisances and the Prevention of Diseases Cap. 77. E.
——— *See also* Towns.

Oaths; to amend the Act 21 & 22 Vict. c. 49 to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion . Cap. 63. G. B. & I.
Offences within Her Majesty's Possessions abroad; to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act 9 Geo IV. c. 31 s. 8 . . . Cap. 122. U. K.
Offices, Duties on. *See* Income-Tax.
Offices, Qualifications for. *See* Indemnity.
Oxford University; to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners . . . . . Cap. 23. E.
——— for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents . . . . Cap. 91. E.

Packet Service; to transfer to the Postmaster General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service Cap. 6. U. K.
Parliamentary Elections; to continue the Corrupt Practices Prevention Act, 1854 (17 and 18 Vict. c. 102) . . . . Cap. 99. G. B. & I.
Party Emblems; to amend the Act 13 & 14 Vict. c. 2 to restrain Party Processions Cap. 141. I.
Pauper Defendants. *See* Chancery, Court of.
Pawnbrokers, to amend the Act 39 & 40 Geo. III. c. 99 for better regulating the Business of . . . . . Cap. 21. G. B.
Pay. *See* Militia.
Peace Preservation; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 & 20 Vict. c. 36) . . . . . Cap. 138. I.
Penrith. *See* Local Government.
Personal Estate, Settlements of. *See* Infants Marriages.
Persons (Young) Employment of. *See* Bleaching and Dyeing Works.
Perth Prison; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland . Cap. 105. S.
Petitions of Right; to amend the Law relating to, to simplify the Proceedings, and to make Provision for the Costs thereof . . Cap. 34. E.
Phœnix Park; to vest the Management of the Phœnix Park in the Commissioners of Public Works in Ireland . . . . . Cap. 42. I.
Pleading. *See* Common Law Procedure.
Poison, to amend the Law relating to the unlawful administering of Cap. 8. G. B. & I.
Police (Dockyard); for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations . . . Cap. 135. E.
Police of Towns; to amend the Police of Towns Improvement Act (13 & 14 Vict.

c. 33), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force . . . . . Cap. 96. S.
Poor Law Board; to continue the Poor Law Board . . Cap. 101. E.
——————— to continue the Powers of the Poor Law Commissioners in Ireland Cap. 148. I.

Population. *See* Census.
Portland. *See* Fortifications.
Portsmouth, for extinguishing certain Rights of Way through Colewort Barracks in the Borough of . . . . . Cap. 49. E.
Possessions abroad; to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act 9 Geo. IV. c. 31 s. 8 Cap. 122. U. K.
——————— *See also* Coast of Africa.
Post Office Postage; to transfer to the Postmaster-General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service Cap. 6. U. K.
——————— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service . Cap. 65. U. K.
Preservation of the Peace; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 and 20 Vict. c. 36) . . . . Cap. 138. I.
President of the Council of India. *See* East Indies.
Prevention of Diseases. *See* Nuisances Removal.
Prisoners for Contempt; to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court . Cap. 149. E.
Prisons; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland . . Cap. 105. S.
Probate and Administration (India); to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39 to Indian Bonds . . . . . Cap. 5. U. K.
Procedure. *See* Chancery, Court of. Common Law Procedure. Divorce Court.
Processions, Party; to amend the Act 13 & 14 Vict. c. 2, to restrain Party Processions . . . . . Cap. 141. I.
Proctors; to amend the Laws relating to Attorneys, Solicitors, Proctors, &c. Cap. 127. E.
Professions, Duties on. *See* Income Tax.
Property, Actions in relation to. *See* Limitation of Actions.
Property, Law of; to further amend the Law of Property . Cap. 38. E. & I.
Property, Malicious Injuries to; to amend the Act 7 & 8 Geo. IV. c. 30 relative to Cap. 29. E.
Property Tax; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices . . . Cap. 14. G. B. & I.
Property; to regulate the Levy and Collection of the Inventory Duty payable upon Heritable Securities and other . . . Cap. 80. S.
Provisional Orders. *See* Local Government. Turnpike Roads, &c.
Public Buildings. See Works and Public Buildings.
Public Improvements; to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District . Cap. 30. E.
Public Museum. *See* Industrial Museum.
Public Works, to vest the Management of the Phœnix Park in the Commissioners of . . . . . Cap. 42. I.
Public Stocks. *See* Stock-jobbing.

Quakers Marriages; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends Cap. 18. E. & I.

Qualifications for Offices, &c.; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively . . Cap. 40. G. B. & I.
Qualifications of Councillors; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs Cap. 47. S.
Queen's Bench; to amend the Act 6 & 7 Vict. c. 20, for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office . . . . . Cap. 54. E.
Queen's Prison; to amend the Act 5 & 6 Vict. c. 22 for regulating the Queen's Prison [Removal of Lunatic Prisoners] . . . Cap. 60. E.
Railways; for amending and making perpetual the Railways Act, Ireland, 1851 (14 & 15 Vict. c. 70) . . . . . Cap. 97. I.
——— to make perpetual the Act 21 & 22 Vict. c. 75, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies Cap. 41. G. B. & I.
——— *See also* Tramways.
Rateable Property Valuation; to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland out of the Consolidated Fund Cap. 4. I.
Rates, Taxes, and Duties. *See* Chicory. Customs. Excise. Game Certificates. Highway Rates. Hops. Income Tax. Inventory Duty. Local Taxation. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences.
Rating of Parishes. *See* Public Improvements.
Reading. See Local Government.
Real Estate, Settlements of. *See* Infants Marriages.
Real Property. *See* Limitation of Actions.
Realm. *See* Defence of the Realm.
Rectification of Spirits. *See* Excise.
Redirected Letters. *See* Postage.
Refreshment Houses and Wine Licences, for granting to Her Majesty certain Duties on, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences. Cap. 27. 113. § 41, 42. E Cap. 107. I.
Registration of Births, &c.; to amend the Acts 17 & 18 Vict. c. 80 and 18 & 19 Vict. c. 29, relating to the Registration of Births, Deaths, and Marriages Cap. 85. S.
Regulation of Mines. *See* Mines.
Relief of the Poor. *See* Poor Law Board.
Relief of Prisoners. *See* Chancery, Court of.
Relief of Turnpike Trusts, &c. *See* Turnpike Roads, &c.
Removal of Nuisances, &c.; to amend the Acts 18 and 19 Vict. cc. 121 and 116, for the Removal of Nuisances and the Prevention of Diseases Cap. 77. E.
Repair of Manchester Cathedral. *See* Manchester Cathedral Church.
Returns. *See* Annual Returns, &c.
Revision of Valuation of Rateable Property. *See* Valuation of Rateable Property.
Rifle Volunteer Corps; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice . . . . Cap. 140. G. B.
——— to prevent the Members of Benefit Societies from forfeiting their interest therein by being enrolled in . . Cap. 13. G. B.
Right, Petitions of, to amend the Law relating to, to simplify the Proceedings, and to make Provisions for the Costs thereof . . . Cap. 34. E.
Rights of Way; for extinguishing certain Rights of Way through Colewort Barracks, Portsmouth . . . . . Cap. 49. E.
River Fishing. *See* Fisheries.
Roads. *See* Turnpike Roads.
Roman Catholic Charities; to amend the Law regarding Roman Catholic Charities Cap. 134. E.
Royal Arsenals. *See* Defence of the Realm.
Royal Burghs. *See* Councillors of Burghs.
Royal Marines. *See* Mutiny.

Royal Navy. *See* Naval Discipline.
Rydal. *See* Saint Mary in Rydal.

Saint Mary in Rydal (Westmoreland), to render valid certain Marriages in the Chapel of . . . . . Cap. 1. E.
Sale of Fireworks. *See* Fireworks.
Sale of Gas, to amend the Act 22 & 23 Vict. c. 66 for regulating Measures used in Cap. 146. G. B. & I.
Sale of Spirits; further to amend the Act 18 & 19 Vict. c. 62 to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation . . . Cap. 35. I.
Sales of Land. *See* Lands Clauses Consolidation Acts.
Salmon Fishing. *See* Fisheries.
Sandgate. *See* Local Government.
Sanitary Improvements in Towns. *See* Towns Improvement.
Satisfaction on Crown Debts, &c., to simplify and amend the Practice as to the Entry of . . . . . Cap. 115. U. K.
Savings Banks, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies . Cap. 137. G. B. & I.
Scarborough. *See* Local Government.
Scholarships. *See* Oxford University.
Schools; to amend the Law relating to Endowed Schools Cap. 11. E.
——— to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48) Cap. 108. E.
Scotland, Acts relating specially to. *See* Admission of Burgesses. Annuity Tax. Anstruther Union Harbour. Bankruptcy. Births, Deaths, and Marriages. Burgage Tenure. Caledonian and Crinan Canals. Castle Stewart and Nairn Road. Census. Councillors of Burghs. Court Houses. Dwellings for Labouring Classes. Edinburgh. Fisheries. Heritable Securities. Herring Fisheries. Highland Roads and Bridges. Improvement of Towns. Industrial Museum. Inverness. Land. Leith. Police of Towns. Prisons. Registration of Births. Sheriff Court Houses. Titles to Land.
Scottish Herring Fisheries, to amend the Law relative to the . Cap. 92. S.
Seamen. *See* Postage.
Secretary of State for War. *See* War Department.
Securities, Government. *See* Probate and Stock-jobbing Securities. Heritable; to regulate the levying and Collection of the Inventory Duty upon Cap. 80. S.
Senior Member of Council (India); to remove Doubts as to the Authority of the Senior Member of the Council of the Governor General of India in the Absence of the President . . . . Cap. 87. U. K.
Sequestration; to amend certain Provisions in the Bankrupt Law of Scotland Cap. 33. S.
Settlements, &c.; to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills Cap. 145. E. & I.
——————— to explain the Act 18 & 19 Vict. c. 43, enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real or Personal Estate on Marriage . Cap. 83. E. & I.
Sheerness. *See* Local Government.
Sheriff Court Houses; to provide additional Accommodation for the Sheriff Courts . . . . . Cap. 79. S.
Shipley. *See* Local Government.
Small Benefices, to promote and facilitate the Endowment and Augmentation of Cap. 72. I.
Society of Friends. *See* Quakers Marriages.
Societies. *See* Benefit Societies, Friendly Societies, Savings Banks.
Soldiers. *See* Army Postage.
Solicitors, &c.; to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers . . . . Cap. 127. E.
South Wales, for the better Management and Control of the Highways in Cap. 68. W.
Southampton. *See* Local Government.

Spirits; to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits . Cap. 114. U. K.
——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands . . . . Cap. 129. U. K.
——— to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond, &c. . . . Cap. 113. G. B. & I.
——— further to amend the Act 18 & 19 Vict. c. 62 to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation . . . . Cap. 35. I.
Stamp Duties; for granting to Her Majesty certain Duties of Stamps Cap. 15. G. B. & I.
——————— for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties . Cap. 111. G. B. & I.
——————— to repeal certain Stamp Duties . . Cap. 5. U. K.
——————— *See also* Inventory Duty.
Stewart. *See* Castle Stewart.
Stipends (Ministers). *See* Annuity Tax.
Stock-jobbing; to repeal the Act 7 Geo. II. c. 8, commonly called "Sir John Barnard's Act," and the Act 10 Geo. II. c. 8 . Cap. 28. G. B. & I.
Stock, Unclaimed; to make Provision as to Stock and Dividends unclaimed in Ireland . . . . . Cap. 71. I.
——————— *See* East India Stock.
Suits, Limitation of. *See* Limitation of Actions.
Sunderland. *See* Local Government.
Superannuation; to extend, in certain Cases, the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26) . . . . . Cap. 89. U. K.
Superior Courts; for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster . . . . Cap. 126. E.
Supply. *See* Consolidated Fund.
Supply of Gas; for better regulating the Supply of Gas to the Metropolis Cap. 125. E.
Suppression of Illicit Distillation. *See* Spirits.
Suspension of the Militia Ballots. *See* Militia.
Sweets or Made Wines; to grant Duties of Excise on Licences to Dealers in Sweets or Made Wines . . . . . Cap. 113. G. B. & I.

Taxation, Local; to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes . . . . Cap. 51. E.
Taxes, Rates, and Duties. *See* Annuity. Chicory. Customs. Excise. Game Certificates. Highway Rates. Hops. Income Tax. Inventory Duty. Local Taxation. Made Wines. Property Tax. Spirits. Stamp Duties. Wine Licences.
Temporalities, Church; further to amend certain Acts relating to the Temporalities of the Church in Ireland . . . . Cap. 150. I.
Tenant and Landlord, to consolidate and amend the Law of . Cap. 154. I.
Tenison's Charity; for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop Tenison's Charity in the Parish of Saint Martin in the Fields (Westminster) . . . Cap. 43. E.
Tenure and Improvement of Land, to amend the Law relating to the Cap. 153. I.
——— *See* Burgage Tenure.
Testamentary Documents, Custody of. *See* Oxford University.
Tithes; to amend and further extend the Acts for the Commutation of Tithes in England and Wales . . . . . Cap. 93. E.
——— to continue Appointments under the Act 14 & 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts . Cap. 81. G. B. & I.
Titles to Land; to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to Titles to Land held by Burgage Tenure; and to amend the said Act . . . . Cap. 143. S.

Tolls. *See* Local Taxation.
Tormoham. *See* Local Government.
Towns Improvement; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33) so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force . . . . . Cap. 96. S.
Trades, Duties on. *See* Income Tax.
Trains. *See* Cheap Trains.
Tramways; to facilitate internal Communication in Ireland by means of Cap. 152. I.
Transfer of Contracts. *See* Packet Service.
Transfer of East India Stock. *See* Bank of England.
Trout-fishing. *See* Fisheries.
Trustees, &c.; to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills Cap. 145. E. & I.
Trusts, Turnpike. *See* Turnpike Roads, &c.
Tunbridge Wells. *See* Local Government.
Turnpike Roads, &c.; to continue certain Turnpike Acts, and to extend the Provisions of the Act 14 & 15 Vict. c. 38 . . Cap. 73. G. B.
——————— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38 to facilitate Arrangements for the Relief of Turnpike Trusts . . . . . Cap. 70. E.
——————— to continue the Act 4 & 5 Vict. c. 59 for authorizing the Application of Highway Rates to Turnpike Roads . Cap. 67. E.
——————— for the better Management and Control of the Highways in South Wales . . . . . Cap. 68. W.

Unclaimed Dividends, &c., to make Provision as to, in Ireland Cap. 71. I.
Union of Benefices; to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs . . . Cap. 142. E.
Universities and College Estates; to extend the Provisions of the Universities and College Estates Act, 1858 (21 & 22 Vict. c. 44), and of the Copyhold Acts, and of the Acts 3 & 4 Vict. c. 113 and 17 & 18 Vict. c. 84, so far as the same relate to Universities and Colleges . . . Cap. 59 E.
University of Oxford; to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners . . . . . Cap. 23. E.
——————— for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents . . Cap. 91. E.

Validity of Marriages. *See* Marriages.
Valuation of Rateable Property; to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland out of the Consolidated Fund Cap. 4. I.
Volunteer Corps; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice . . . . . Cap. 140. G. B.
——————— to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in . Cap. 13. G. B.
Wales. *See* South Wales.
War Department; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18 and 19), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts Cap. 106. G. B. & I.
Warehousing of Goods; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs . . . . . Cap. 36. U. K.

Warrant Officers. *See* Postage.
Weights and Measures, to amend the Law relating to . Cap. 119. I.
Wells. *See* Local Government.
West India Relief; to authorize an Extension of the Time for Repayment of a Loan made by the West India Relief Commissioners to the Island of Dominica . . . . . Cap. 57. U. K.
White Herring Fisheries. *See* Herring Fisheries.
Wilton. *See* Local Government.
Wills. *See* Settlements, &c.
Wine Licences; for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences
Cap. 27. E. Cap. 113. G. B. & I. Cap. 107. I.
Women, &c., Employment of. *See* Bleaching and Dyeing Works.
Works and Public Buildings, to confer Powers on the Commissioners of, to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum
Cap. 117. S.
Works. *See* Bleaching and Dyeing.

Yeomanry or Volunteer Corps, to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in . Cap. 13. G. B.
Young Persons, &c., Employment of. *See* Bleaching and Dyeing Works.

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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1861.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-FOURTH AND TWENTY-FIFTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the THIRD SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION.

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LONDON, 31*st March* 1848. AND. RUTHERFURD.

CONTENTS.

Page

A TABLE OF THE PUBLIC GENERAL STATUTES passed in the Third Session of the Eighteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A TABLE OF ALL THE LOCAL AND PERSONAL ACTS, declared Public, and to be judicially noticed, ... 261

PRIVATE ACTS, printed by the Queen's Printer, and whereof the printed copies may be given in evidence, ... 281

INDEX to Statutes affecting Scotland, ... 283

INDEX to all the Public General Acts, ... 290

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

CAP. X. An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty, ... 3

CAP. XI. An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries, when pleaded in Courts within Her Majesty's Dominions, ... 9

CAP. XIV. An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof, ... 12

CAP. XVII. An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, . . 17

CAP. XVIII. An Act to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor, . 17

CAP. XX. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties, ... 20

CAP. XXI. An Act for granting to Her Majesty certain Duties of Excise and Stamps, ... 30

CAP. XXV. An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India, ... 38

CAP. XXVII. An Act to declare the Limits within which increased Assessments are authorized to be raised in the City of Edinburgh, under the Provisions of the Act of the Twenty-third and Twenty-fourth Years of Victoria, Chapter Fifty, ... 41

Page

CAP. XXXVI. An Act to amend the Boundaries of Burghs Extension (Scotland) Act, ... 44
CAP. XXXVII. An Act to simplify the Mode of raising the Assessment for the Poor in Scotland, ... 46
CAP. XLV. An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland, . 49
CAP. XLVII. An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes, ... 56
CAP. L. An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland, ... 80
CAP. LIV. An Act to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there, ... 82
CAP. LXV. An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man, ... 87
CAP. LXIX. An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland, ... 88
CAP. LXX. An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives, and on the Waggons and Carriages drawn or propelled by the same, 93
CAP. LXXII. An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland, ... 100
CAP. LXXIII. An Act to amend the Law relating to the Copyright of Designs, ... 102
CAP. LXXX. An Act to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes, . . 105
CAP. LXXXI. An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland, . . 110
CAP. LXXXIII. An Act to amend the Law regarding the Registration of County Voters in Scotland, ... 111
CAP. LXXXIV. An Act to amend the Law in Scotland relative to the Resignation, Powers, and Liabilities of gratuitous Trustees, . 130
CAP. LXXXVI. An Act to amend the Law regarding Conjugal Rights in Scotland, ... 131
CAP. XC. An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, under the Authority of an Act passed in the First and Second years of Victoria, Chapter Fifty-five, . 139
CAP. XCI. An Act to amend the Laws relating to the Inland Revenue, . 143
CAP. XCII. An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions, ... 161
CAP. XCV. An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters, ... 163
CAP. XCIX. An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin, . . 178
CAP. CI. An Act for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force, 194
CAP. CVI. An Act to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament, ... 223

Page

CAP. CVII. An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland, ... 225

CAP. CXIV. An Act to amend the Law with respect to Wills of Personal Estate made by British Subjects, ... 237

CAP. CXVII. An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts, ... 238

CAP. CXXI. An Act to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions, ... 242

CAP. CXXII. An Act to continue the Corrupt Practices Prevention Act (1854), ... 244

CAP. CXXVI. An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls, ... 245

CAP. CXXX. An Act for amending an Act passed in the last Session of Parliament to amend the Law concerning the making, keeping, and carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks, . . 248

CAP. CXXXII. An Act for consolidating and amending the Law relating to Industrial Schools in Scotland, ... 249

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[22*d* March 1861.]

CAP. II.

An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.—[22*d* March 1861.]

CAP. III.

An Act to make further Provision respecting certain Payments to and from the Bank of England, *and to increase the Facilities for the Transfer of Stocks and Annuities, and for other Purposes.*—[22*d* March 1861.]

CAP. IV.

An Act for amending the Red Sea *and* India *Telegraph Act,* 1859.—[22*d* March 1861.]

CAP. V.

An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund.—[18*th* April 1861.]

CAP. VI.

An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.—[18*th* April 1861.]

CAP. VII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[18*th* April 1861.]

CAP. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[18*th* April 1861.]

CAP. IX.

An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.—[17*th* May 1861.]

§ VI. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in *Scotland* or in *Ireland*, &c.

CAP. X.

An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.—[17*th* May 1861.]

WHEREAS it is expedient to extend the Jurisdiction and improve the Practice of the High Court of Admiralty of *England:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Admiralty Court Act, 1861." Short Title.

II. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of Terms.

"Ship" shall include any Description of Vessel used in Navigation not propelled by Oars:

"Cause" shall include any Cause, Suit, Action, or other Proceeding in the Court of Admiralty.

III. This Act shall come into operation on the First Day of *June* One thousand eight hundred and sixty-one. Commencement of Act.

IV. The

As to Claims for building, equipping, or repairing of Ships.

IV. The High Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship, if at the Time of the Institution of the Cause the Ship or the Proceeds thereof are under Arrest of the Court.

As to Claims for Necessaries.

V. The High Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales*: Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claims for Damage to Cargo imported.

VI. The High Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in *England* or *Wales* in any Ship, for Damage done to the Goods or any Part thereof by the Negligence or Misconduct of or for any Breach of Duty or Breach of Contract on the Part of the Owner, Master, or Crew of the Ship, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales*: Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claims for Damage by any Ship.

VII. The High Court of Admiralty shall have Jurisdiction over any Claim for Damage done by any Ship.

High Court of Admiralty to decide Questions as to Ownership, &c. of Ships.

VIII. The High Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-owners, or any of them, touching the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in *England* or *Wales*, or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit.

Extending 17 & 18 Vict. c. 104. as to Claims for Salvage of Life.

IX. All the Provisions of "The Merchant Shipping Act, 1854," in regard to Salvage of Life from any Ship or Boat within the Limits of the United Kingdom, shall be extended to the Salvage of Life from any *British* Ship or Boat, wheresoever the Services may have been rendered, and from any Foreign Ship or Boat, where the Services have been rendered either wholly or in part in *British* waters.

X. The

As to Claims for Wages and for Disbursements by Master of a Ship.

X. The High Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship: Provided always, that if in any such Cause the Plaintiff do not recover Fifty Pounds, he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

3 & 4 Vict. c. 65. in regard to Mortgages extended to Court of Admiralty.

XI. The High Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not.

Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

XII. The High Court of Admiralty shall have the same Powers over any *British* Ship, or any Share therein, as are conferred upon the High Court of Chancery in *England* by the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Sections of "The Merchant Shipping Act, 1854."

Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

XIII. Whenever any Ship or Vessel, or the Proceeds thereof, are under Arrest of the High Court of Admiralty, the said Court shall have the same Powers as are conferred upon the High Court of Chancery in *England* by the Ninth Part of "The Merchant Shipping Act, 1854."

Court to be a Court of Record.

XIV. The High Court of Admiralty shall be a Court of Record for all Intents and Purposes.

Decrees and Orders of Court of Admiralty to have Effect of Judgments at Common Law.

XV. All Decrees and Orders of the High Court of Admiralty, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the same Effect as Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses, shall be payable, shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law, or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to Matters therein depending; and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Monies, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

As to Claims to Goods

XVI. If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the High Court of Admiralty,

taken in Execution.

Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels, by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued, the Registrar of the said Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after Issue of the Summons out of the said Admiralty Court, and the Judge of the said Admiralty Court shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof and of the Costs of the Proceedings, as to him shall seem fit, and such Order shall be enforced in like Manner as any Order made in any Suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of Dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the Sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained, and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into Court the Proceeds of the Sale, to abide the Decision of the Judge.

Powers of Superior Courts extended to Court of Admiralty.

XVII. The Judge of the High Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law or any Judge thereof to compel either Party in any Cause or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Document in his Possession or Power.

Party in Court of Admiralty may apply for an Order for Inspection by Trinity Masters.

XVIII. Any Party in a Cause in the High Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Trinity Masters or others appointed for the Trial of the said Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property, the Inspection of which may be material to the Issue of the

the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

Admission of Documents.

XIX. Any Party in a Cause in the High Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just Exceptions, and in case of Refusal or Neglect to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

Power to Court of Admiralty, when personal Service of Citation has not been effected, to order Parties to proceed.

XX. Whenever it shall be made to appear to the Judge of the High Court of Admiralty that reasonable Efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court, and either that the same has come to the Knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same, and has not appeared thereto, the said Judge may order that the Party on whose Behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

As to the Service of Subpœna out of England and Wales.

XXI. The Service in any Part of *Great Britain* or *Ireland* of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the High Court of Admiralty, shall be as effectual as if the same had been served in *England* or *Wales*.

Power to issue new Writs or other Process.

XXII. Any new Writ or other Process necessary or expedient for giving Effect to any of the Provisions of this Act may be issued from the High Court of Admiralty in such Form as the Judge of the said Court shall from Time to Time direct.

Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law.

XXIII. All the Powers possessed by any of the Superior Courts of Common Law or any Judge thereof, under the Common Law Procedure Act, 1854, and otherwise, with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the High Court of Admiralty in all Causes and Matters depending in the said Court, and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.

XXIV. The Registrar of the High Court of Admiralty shall have the same Powers under the Fifteenth Section of the Merchant Shipping Act, 1854, as are by the said Section conferred on the Masters of Her Majesty's Court of Queen's Bench in *England* and *Ireland*.

XXV. The Registrar of the High Court of Admiralty may exercise,

Powers of Registrar and of Deputy or Assistant Registrar.

exercise, with reference to Causes and Matters in the said Court, the same Powers as any Surrogate of the Judge of the said Court sitting in Chambers might or could have heretofore lawfully exercised; and all Powers and Authorities by this or any other Act conferred upon or vested in the Registrar of the said High Court of Admiralty may be exercised by any Deputy or Assistant Registrar of the said Court.

False Oath or Affirmation deemed Perjury.

XXVI. The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court; and any Person who shall wilfully depose or affirm falsely in any Proceeding before the Registrar or before any Deputy or Assistant Registrar of the said Court, or before any Person authorized to administer Oaths in the said Court, shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attaching to wilful and corrupt Perjury.

Appointment of Registrar and of Deputy or Assistant Registrar.

XXVII. Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor of Ten Years standing may be appointed Registrar or Assistant or Deputy Registrar of the said Court.

Appointment of Examiners.

XXVIII. Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor may be appointed an Examiner of the High Court of Admiralty.

Stamp Duty not payable on subsequent Admissions of Proctors or Solicitors.

XXIX. Any Person who shall have paid on his Admission in any Court as a Proctor, Solicitor, or Attorney the full Stamp Duty of Twenty-five Pounds, and who has been or shall hereafter be admitted a Proctor, Solicitor, or Attorney, if in other respects entitled to be so admitted, shall be liable to no further Stamp Duty in respect of such subsequent Admission.

Proctor may act as Agent of Solicitors.

XXX. Any Proctor of the High Court of Admiralty may act as Agent of any Attorney or Solicitor, and allow him to participate in the Profits of and incident to any Cause or Matter depending in or connected with the said Court; and nothing contained in the Act of the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and sixty, shall be construed to extend to prevent any Proctor from so doing, or to render him liable to any Penalty in respect thereof.

2 Hen. 4. c. 11. repealed.

XXXI. The Act passed in the Second Year of the Reign of King *Henry* the Fourth, intituled *A Remedy for him who is wrongfully pursued in the Court of Admiralty*, is hereby repealed.

Power of Appeal in interlocutory Matters.

XXXII. Any Party aggrieved by any Order or Decree of the Judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the Permission of the Judge, appeal therefrom to Her Majesty in Council, as fully and effectually as from any final Decree or Sentence of the said Court.

Bail given in the

XXXIII. In any Cause in the High Court of Admiralty Bail

Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said High Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the High Court of Admiralty the Court of Appeal may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond in the same Manner as if the Bail had been given in the Court of Appeal. Court of Admiralty good in the Court of Appeal.

XXXIV. The High Court of Admiralty may, on the Application of the Defendant in any Cause of Damage, and on his instituting a Cross Cause for the Damage sustained by him in respect of the same Collision, direct that the Principal Cause and the Cross Cause be heard at the same Time and upon the same Evidence; and if in the Principal Cause the Ship of the Defendant has been arrested or Security given by him to answer Judgment, and in the Cross Cause the Ship of the Plaintiff cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the Principal Cause, until Security has been given to answer Judgment in the Cross Cause. As to the hearing of Causes and Cross Causes.

XXXV. The Jurisdiction conferred by this Act on the High Court of Admiralty may be exercised either by Proceedings in rem or by Proceedings in personam. Jurisdiction of the Court.

CAP XI.

An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.—[17*th* May 1861.]

WHEREAS an Act was passed in the Twenty-second and Twenty-third Years of Her Majesty's Reign, intituled *An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof:* And whereas it is expedient to afford the like Facilities for the better Ascertainment, in similar Circumstances, of the Law of any Foreign Country or State with the Government of which Her Majesty may be pleased to enter into a Convention for the Purpose of mutually ascertaining the Law of such Foreign Country or State when pleaded in Actions depending in any Courts within 22 & 23 Vict. c. 63.

within Her Majesty's Dominions and the Law as administered in any Part of Her Majesty's Dominions when pleaded in Actions depending in the Courts of such Foreign Country or State: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; viz.,

Superior Courts within Her Majesty's Dominions may remit a Case, with Queries, to a Court of any Foreign State with which Her Majesty may have made a Convention for that Purpose, for Ascertainment of Law of such State.

I. If, in any Action depending in any of the Superior Courts within Her Majesty's Dominions it shall be the Opinion of such Court that it is necessary or expedient, for the Disposal of such Action, to ascertain the Law applicable to the Facts of the Case as administered in any Foreign State or Country with the Government of which Her Majesty shall have entered into such Convention as aforesaid, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts as these may be ascertained by Verdict of Jury or other Mode competent, or as may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing; and upon such Case being approved of by such Court or a Judge thereof, such Court or Judge shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to such Superior Court in such Foreign State or Country as shall be agreed upon in said Convention, whose Opinion is desired upon the Law administered by such Foreign Court as applicable to the Facts set forth in such Case, and requesting them to pronounce their Opinion on the Questions submitted to them; and upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be deemed and held to contain a correct Record of such Opinion.

Court in which Action depends to apply such Opinion to the Facts set forth in Cases, &c.

II. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with the Officer of the Court within Her Majesty's Dominions in which the Action may be depending who may have the official Charge thereof, together with a Notice of Motion setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon, if it shall see fit, apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon Special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has

has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as conclusive Evidence of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury: Provided always, that if after having obtained such certified Copy the Court shall not be satisfied that the Facts had been properly understood by the Foreign Court to which the Case was remitted, or shall on any Ground whatsoever be doubtful whether the Opinion so certified does correctly represent the Foreign Law as regards the Facts to which it is to be applied, it shall be lawful for such Court to remit the said Case, either with or without Alterations or Amendments, to the same or to any other such Superior Court in such Foreign State as aforesaid, and so from Time to Time as may be necessary or expedient.

Courts in Her Majesty's Dominions may pronounce Opinion on Case remitted by a Foreign Court.

III. If in any Action depending in any Court of a Foreign Country or State with whose Government Her Majesty shall have entered into a Convention as above set forth, such Court shall deem it expedient to ascertain the Law applicable to the Facts of the Case as administered in any Part of Her Majesty's Dominions, and if the Foreign Court in which such Action may depend shall remit to the Court in Her Majesty's Dominions whose Opinion is desired a Case setting forth the Facts and the Questions of Law arising out of the same on which they desire to have the Opinion of a Court within Her Majesty's Dominions, it shall be competent to any of the Parties to the Action to present a Petition to such last-mentioned Court, whose Opinion is to be obtained, praying such Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall consider the same, and, if they think fit, shall appoint an early Day for hearing Parties or their Counsel on such Case, and shall pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Foreign Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper, and upon such Opinion being pronounced a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required.

Interpretation of Terms.

IV. In the Construction of this Act the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court

Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session, acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master of the Rolls, and the Judge of the Admiralty Court: and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein; and in a Foreign Country or State, any Superior Court or Courts which shall be set forth in any such Convention between Her Majesty and the Government of such Foreign Country or State.

CAP. XII.

An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of Bethlehem Hospital.—[17*th* May 1861.]

CAP. XIII.

An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse *in the County of* Devon.—[17*th* May 1861.]

CAP. XIV.

An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof.—[17*th* May 1861.]

WHEREAS it is expedient to enlarge the Facilities now available for the Deposit of small Savings, and to make the General Post Office available for that Purpose, and to give the direct Security of the State to every such Depositor for Repayment of all Monies so deposited by him, together with the

the Interest due thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Postmaster General may direct Officers in Post Office to receive Deposits.

I. It shall be lawful for the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, to authorize and direct such of his Officers as he shall think fit to receive Deposits for Remittance to the Principal Office, and to repay the same, under such Regulations as he, with the Concurrence of the Commissioners of Her Majesty's Treasury, may prescribe in that respect.

Legal Title of Depositor to Repayment.

II. Every Deposit received by any Officer of the Postmaster General appointed for that Purpose shall be entered by him at the Time in the Depositor's Book, and the Entry shall be attested by him and by the dated Stamp of his Office, and the Amount of such Deposit shall upon the Day of such Receipt be reported by such Officer to the Postmaster General, and the Acknowledgment of the Postmaster General, signified by the Officer whom he shall appoint for the Purpose, shall be forthwith transmitted to the Depositor, and the said Acknowledgment shall be conclusive Evidence of his Claim to the Repayment thereof, with the Interest thereon, upon Demand made by him on the Postmaster General; and, in order to allow a reasonable Time for the Receipt of the said Acknowledgment, the Entry by the proper Officer in the Depositor's Book shall also be conclusive Evidence of Title for Ten Days from the Lodgment of the Deposit; and if the said Acknowledgment shall not have been received by the Depositor through the Post within Ten Days, and he shall, before or upon the Expiry thereof, demand the said Acknowledgment from the Postmaster General, then the Entry in his Book shall be conclusive Evidence of Title during another Term of Ten Days, and *toties quoties:* Provided always, that such Deposits shall not be of less Amount than One Shilling, nor of any Sum not a Multiple thereof.

Depositors entitled to Repayments not later than Ten Days after Demand made.

III. On Demand of the Depositor or Party legally authorized to claim on account of a Depositor, made in such Form as shall be prescribed in that Behalf, for Repayment of any Deposit, or any Part thereof, the Authority of the Postmaster General for such Repayment shall be transmitted to the Depositor forthwith, and the Depositor shall be absolutely entitled to Repayment of any Sum or Sums that may be due to him within Ten Days at farthest after his Demand shall be made at any Post Office where Deposits are received or paid.

Names of Depositors, &c. not to be disclosed.

IV. The Officers of the Postmaster General engaged in the Receipt or Payment of Deposits shall not disclose the Name of any Depositor nor the Amount deposited or withdrawn, except to

to the Postmaster General, or to such of his Officers as may be appointed to assist in carrying this Act into operation.

Money to be paid to Commissioners for the Reduction of the National Debt, and repaid to Depositors through Post Office.

V. All Monies so deposited with the Postmaster General shall forthwith be paid over to the Commissioners for the Reduction of the National Debt; and all Sums withdrawn by Depositors, or by Parties legally authorized to claim on account of Depositors, shall be repaid to them out of the said Monies, through the Office of Her Majesty's Postmaster General.

Additional Security to Depositor.

VI. If at any Time the Fund to be created under the Authority of this Act by the Investment of the Deposits shall be insufficient to meet the lawful Claims of all Depositors, it shall be lawful for the Commissioners of Her Majesty's Treasury, upon being duly informed thereof by the Commissioners for the Reduction of the National Debt, to issue the Amount of such Deficiency out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the said Commissioners of Her Majesty's Treasury shall certify such Deficiency to Parliament.

Rate of Interest payable to Depositors.

VII. The Interest payable to the Parties making such Deposits shall be at the Rate of Two Pounds Ten Shillings *per Centum per Annum*, but such Interest shall not be calculated on any Amount less than One Pound or some Multiple thereof, and not commence until the First Day of the Calendar Month next following the Day of Deposit, and shall cease on the First Day of the Calendar Month in which such Deposit is withdrawn.

Interest how calculated.

VIII. Interest on Deposits shall be calculated to the Thirty-first Day of *December* in every Year, and shall be added to and become Part of the Principal Money.

Investment of Funds received under this Act.

IX. The Monies remitted to the Commissioners for the Reduction of the National Debt under the Authority of this Act shall be invested in some or in all of the Securities in which the Funds of Savings Banks established under the existing Laws may be invested; and a separate and distinct Account shall be kept by the said Commissioners of all Receipts, Investments, Sales, and Repayments; and a Balance Sheet of such Account from the First of *January* to the Thirty-first of *December* in every Year shall be laid before both Houses of Parliament not later than the Thirty-first of *March* in every Year.

Depositors desiring to transfer their Deposits.

X. If any Depositor making deposit under this Act shall desire to transfer the Amount of such Deposit to a Savings Bank established under the Acts relating to Savings Banks, he shall, upon Application to the chief Office of the Postmaster General, be furnished with a Certificate stating the whole Amount which may be due to him, with Interest, and thereupon his Account under this Act shall be closed; and, upon Delivery of such Certificate

Certificate to the Trustees or Managers of the Savings Bank to which it is proposed by the Depositor to transfer such Deposit, they shall, if they think fit, open an Account for the Amount stated in such Certificate for such Depositor, who shall thereupon be subject to the Rules of such Savings Bank; and the Amount so transferred shall, upon such Certificate being forwarded to the Commissioners for the Reduction of the National Debt, be written off in the Books of the said Commissioners from the Amount of Monies received under the Authority of this Act, and shall be carried to the Account of the Savings Bank to which such Transfer shall have been made; and in like Manner, if any Depositor in a Savings Bank established under the Savings Bank Acts shall desire to transfer the Amount due to him, with Interest, from such Savings Bank to the Postmaster General, for deposit under the Provisions of this Act, the Trustees or Managers of such Savings Bank shall, upon his Request, furnish such Depositor with a Certificate, in a Form to be approved by the Commissioners for the Reduction of the National Debt, signed by Two Trustees of such Savings Bank, and thereupon his Account with such Savings Bank shall be closed, which Certificate the Depositor may deliver to any Officer of the Postmaster General authorized to receive Deposits under this Act, and such Certificate shall for the Amount therein set forth be considered to be a Deposit made under the Authority of this Act, and being forwarded to the said Commissioners, the said Amount shall then be transferred in the Books of the said Commissioners from the Account of the said Savings Bank to the Credit of the Account of Monies deposited under the Authority of this Act. Provided always, that nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations of any Savings Bank again certified if the same have been before certified according to Law.

Not necessary to have Rules, &c. of Savings Banks again certified.

XI. The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may make, and from Time to Time, as he shall see Occasion, alter Regulations for superintending, inspecting, and regulating the Mode of keeping and examining the Accounts of Depositors, and with respect to the making of Deposits and to the Withdrawal of Deposits and Interest, and all other Matters incidental to the carrying this Act into execution, in his Department, and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and Copies of all Regulations issued under the Authority of this Act shall be laid before both Houses of Parliament within Fourteen Days from the Date thereof, if Parliament

Postmaster General, with Consent of Treasury, to make Regulations.

Copies of Regulations to be laid before Parliament.

Parliament shall be then sitting, and if not then within Fourteen Days from the next re-assembling of Parliament.

Accounts to be laid before Parliament.

XII. An annual Account of all Deposits received and paid under the Authority of this Act, and of the Expenses incurred during the Year ended the Thirty-first of *December*, together with a Statement of the total Amount due at the Close of the Year to all Depositors, shall be laid by the Postmaster General before both Houses of Parliament not later than the Thirty-first of *March* in every Year.

Accounts to be examined by Commissioners of Audit.

XIII. The annual Accounts of the Postmaster General, and of the Commissioners for the Reduction of the National Debt, to the Thirty-first of *December* in each Year, in respect to all Monies deposited or invested under the Authority of this Act, shall annually, prior to the Thirty-first of *March* in each Year, be submitted for Examination and Audit to the Commissioners for auditing Public Accounts.

Provisions of Savings Bank Acts applicable to this Act.

XIV. All the Provisions of the Acts now in force relating to Savings Banks as to Matters for which no other Provision is made by this Act shall be deemed applicable to this Act, so far as the same are not repugnant thereto.

Expenses of Act.

XV. All Expenses incurred in the Execution of this Act shall be paid out of the Monies received under the Authority of this Act.

CAP. XV.

An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary. —[17*th* May 1861.]

CAP. XVI.

An Act to render valid Marriages heretofore solemnized in Trinity Church, Rainow, *and in other Churches and Chapels.*—[17*th* May 1861.]

CAP. XVII.

An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement

Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.—[*7th* June 1861.]

WHEREAS an Act was passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled *An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in* Scotland: And whereas it is expedient that the same be amended to the Effect after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 20 & 21 Vict. c. 73.

I. From and after the First Day of *September* One thousand eight hundred and sixty-one, Complaints for the Recovery of Penalties under the said recited Act may be brought without the Concourse of the Lord Advocate, anything in the said Act to the contrary notwithstanding; provided always, that the Expenses of every such Complaint shall be in the Discretion of the Sheriff, Magistrate, or Justices before whom the same may be brought, and he or they shall determine the Amount thereof. Complaints for Recovery of Penalties to be brought without the Concourse of the Lord Advocate.

II. Burghs of Barony or Regality which send or contribute to send a Member to Parliament shall, for the Purposes of the said recited Act and this Act, be deemed to include, and shall include, the whole Area contained within the Parliamentary Boundaries thereof. Certain Burghs to include the Area within the Parliamentary Boundaries.

CAP. XVIII.

An Act to make Provision for the Dissolution of Combinations of Parishes in Scotland *as to the Management of the Poor.*—[*7th* June 1861.]

WHEREAS by an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Amendment and Administration of the Laws relating to the Relief of the Poor in* Scotland, it was provided, in the Sixteenth Section thereof, that the Board of Supervision thereby established, if satisfied that the Administration of the Affairs of the Poor in any Two or more Parishes, "might be carried on with greater Advantage to the said Par-"ishes and to the Poor therein, by the said Parishes being com-"bined for the Purposes" of the said Act, to resolve and declare 8 & 9 Vict. c. 83.

 that

that such Parishes should thenceforward be combined for the Purposes of the said Act: And whereas no Power is by the said Act conferred on the Board of Supervision, or on any other Tribunal, to dissolve, under any Circumstances, a Combination of Parishes once effected under Authority of the said Act: And whereas it is expedient that Power should be conferred on the said Board, in the Cases and subject to the Provisions after mentioned, to dissolve such Combinations of Parishes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Parochial Board of Combination may appoint Special Meeting for Application for Dissolution.

I. It shall be lawful for the Parochial Board of any Combination of Parishes which may have been combined under the Provisions of the said recited Act, at One of its fixed General Meetings, to resolve that it is expedient that the Combination should, as to all or as to certain of the Parishes thereof, be dissolved, and thereupon to appoint a Special Meeting of the Board for the Purpose of considering whether an Application should be made to the Board of Supervision, craving the said Board of Supervision so to dissolve such Combination: provided always, that Notice shall have been given by the Member or Members of the Parochial Board intending, at such Meeting, to propose such Resolution, of his or their Intention then to propose the same, to every other Member thereof, by Letter addressed to each such Member at his ordinary Place of Residence, and put into the Post Office at least One Month prior to such General Meeting; and the Special Meeting, if resolved to be appointed, shall be appointed to be held on a Day not sooner than Three Weeks nor later than Six Weeks after the Date of such Resolution.

Intimation of Special Meeting.

II. Intimation shall be given of the Special Meeting appointed as aforesaid by Letters addressed by the Inspector of the Poor to every Member of the Parochial Board at his usual Place of Residence, and put into the Post Office at least One Fortnight before the Day of Meeting, and specifying the Time and Place of Meeting, and the Purpose for which such Meeting has been appointed to be held.

Special Meeting may authorize Application to Board of Supervision.

III. At such Special Meeting, if the Parochial Board shall unanimously, or by a Majority of at least Two Thirds, agree to the proposed Application being made, but not otherwise, it shall be lawful for the Parochial Board to authorize an Application, in their Name, to be transmitted to the Board of Supervision, praying such Board of Supervision to dissolve the Combination as to all or any of the Parishes thereof, and the Chairman of the Parochial Board shall thereupon sign and forthwith transmit to the Board of Supervision such Application accordingly; and the said

said Parochial Board may also transmit to the Board of Supervision a Statement of their Reasons in support of such Application; and any Members of the Parochial Board who may dissent from the Resolution to make such Application may, within Ten Days after the Date of such Resolution, give in to the Chairman a Statement of their Reasons of Dissent, which Statement the Chairman shall forthwith transmit to the Board of Supervision.

Board of Supervision may thereupon dissolve Combination;

IV. The Board of Supervision, on receiving any such Application shall make such Inquiry as to them shall seem necessary and proper; and the said Board of Supervision after such Inquiry shall have Power, if satisfied, from any change in the Condition and State of the Parishes, or on consideration of the Results of the Experience already had of the Administration of the Poor since the Parishes were combined, that it is not for the Advantage of the Parishes, or of the Poor thereof, that the Administration of the Affairs of the Poor should be continued in these Parishes in a State of Combination, to dissolve the Combination as to all or any of the Parishes thereof in Terms of the Prayer of the Application, or they may, if they see Cause, refuse such Application.

and decide all Questions between the Parishes.

V. If the Board of Supervision shall dissolve any such Combination as aforesaid, they shall further, after such Inquiry as they shall deem necessary and proper, determine all Questions as to the Liability of the several Parishes which had constituted the Combination to support particular Paupers in Time to come, and as to the Obligations incumbent on the Combination, and the Shares thenceforward to be borne by the several Parishes thereof, and as to any Property belonging to the Combination, and the Division or Destination to be thereafter made of it, and any Claims of Compensation thence arising; and generally they shall have Power to dispose of all Questions and Claims between the several Parishes in reference to the Affairs of the Poor in so far as affected by the Dissolution as aforesaid, and all Decisions and Determinations by the Board of Supervision shall be final and conclusive, and shall not be subject to Review by any Court, whether by Appeal, Advocation, Suspension, Reduction, or otherwise.

After Dissolution, Management of Poor to proceed as if Parishes never combined.

VI. On any such Dissolution taking place as aforesaid, the Management of the Poor in every Parish which shall, in consequence, have ceased to form Part of a Combination of Parishes, and the Administration of the Laws relating to the Relief of the Poor in such Parish and to the raising the necessary Funds for their Relief, shall, from and after a Day to be named by the Board of Supervision as the Date at which the Dissolution shall take effect, and subject to the Decisions and Determinations of the said Board herein-before mentioned, be carried on in every

every such Parish as if no such Combination had ever been formed.

If Application refused not to be renewed till after Lapse of Five Years.

VII. If the Board of Supervision shall refuse any such Application for Dissolution as aforesaid, it shall not be lawful for the Parochial Board whose Application has been refused to renew such Application till after the Lapse of Five Years from the Date at which it was so refused.

CAP. XIX.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.—[7*th* June 1861.]

CAP. XX.

An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.—[12*th* June 1861.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), and (C.) to this Act annexed; and the several Drawbacks therein specified and contained shall be allowed, and such Rates, Duties, and Drawbacks shall respectively take effect, at or from the

the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in the said Schedules; and where with regard to any of such Rates, Duties, and Drawbacks no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where with regard to any of the said Rates, Duties, and Drawbacks, no Period is so as aforesaid specified or limited for the Duration thereof, the same shall continue to be charged, collected, paid, and allowed until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Act to apply.

II. All the Powers, Provisions, Clauses, Regulations, Allowances and Exemptions, Forfeitures, Pains and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively and in force at the Time of the passing of this Act, or as regards the Income Tax in force on the Fifth Day of *April* One thousand eight hundred and sixty-one, shall respectively be of full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates and Duties by this Act granted respectively.

Persons entrusted with the Payment of Dividends and Interest due since 5th April 1861, and before the passing of this Act, to make Returns thereof to the Special Commissioners in

III. And whereas since the Fifth Day of *April* now last past and before the passing of this Act divers Dividends, Annuities and Shares of Annuities, and Interest on Loans and on Bonds, Debentures, and other Securities directed by the Acts relating to the Income Tax in force on the said last-mentioned Day to be assessed under Schedule (C.) of the said Acts have become due and payable, and by reason of the Expiration of the said Acts before the passing of this Act have not been assessed and charged with the said Tax; and it is expedient to provide for the Assessment thereof with the Rates and Duties of Income Tax granted by this Act, and for the Collection of the Sums assessed from the Persons respectively to whom such Dividends, Annuities, Shares, and Interest have been paid or who are entitled thereto:

Be

order to the Assessment of the Persons who have received such Dividends and Interest.

Be it enacted, That all Persons respectively entrusted with the Payment of any such Dividends, Annuities, Shares, or Interest as aforesaid, or who have paid the same, either as Agent or otherwise, shall, within One Calendar Month after the passing of this Act, deliver or cause to be delivered to the Commissioners for Special Purposes at the Head Office of Inland Revenue at *Somerset House* in the City of *Westminster* an Account in Writing, duly authenticated and signed by such Persons respectively, containing a Description of all such Dividends, Annuities, Shares, and Interest entrusted to them for Payment which have become due or payable since the Fifth Day of *April* last, and also a true and perfect Account of the Names and Residences of the several Persons to whom the same have become due or payable, and the several Sums which have been so paid to them, or to which they have become entitled respectively: and the said Commissioners for Special Purposes shall make Assessments thereon respectively, under Schedule (C.) of the Acts relating to the Income Tax, of the Rates and Duties of Income Tax granted by this Act, and the Sum so assessed shall be paid to the Receiver General of Inland Revenue by the several Persons who shall have received or are entitled to such Dividends, Annuities, Shares, and Interest respectively; and in default of such Payment the Sums so assessed shall be recoverable from the said last-mentioned Persons, and shall be collected and levied in like Manner as any other Assessments made by the said Commissioners are or may be by Law directed or authorized to be recovered, collected, or levied: Provided always, that if any Sum so assessed shall not be so paid, recovered, or collected by or from any Person chargeable therewith, and such Person shall at any Time hereafter become entitled to any further Payment of the like Dividends, Annuities, Shares, or Interest, the Person entrusted with the Payment thereof as aforesaid shall, on Notice and Requisition from the said Commissioners in that Behalf, deduct and retain from and out of such further Payment any such Sum assessed and remaining unpaid as aforesaid, as well as any further Assessment chargeable in respect of such further Payment of the said Dividends, Shares, Annuities, or Interest; and the Person deducting and retaining any such Sum of Money assessed as aforesaid shall pay the same into the Bank of *England* to the Account of the said Receiver General, in like Manner as he is by any Act relating to the Income Tax required or directed to pay over any other Sums of Money deducted or retained by him for Income Tax; and if any Person entrusted with the Payment of or who hath paid any such Dividends, Annuities, Shares, or Interest as aforesaid, either as

Dividends and Interest, due since 5th April to be assessed by the Special Commissioners.

Agent

Agent or otherwise, shall neglect or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the Sum of One hundred Pounds.

On and after October 1, 1861, the Excise Duties, Allowances, and Drawbacks on Paper, and Customs Duties on Articles specified in Schedule (D.), repealed, except as to Arrears and Penalties.

IV. On and after the First Day of *October* One thousand eight hundred and sixty-one the Duties of Excise now payable on Paper of any Denomination, and Buttonboard, Millboard, Pasteboard, and Scaleboard, and also the Duties of Customs now payable upon the Importation into the United Kingdom of the Articles specified and contained in Schedule (D.) to this Act annexed, and also all Allowances and Drawbacks of or in respect of any of such Duties, shall cease, and shall be no longer charged, levied, allowed, or paid respectively; and all Acts, Clauses, Provisions, and Regulations for charging, levying, collecting, allowing, and paying the said Duties, Allowances, and Drawbacks respectively shall be and the same are hereby repealed; save and except as to all such Duties, Allowances, and Drawbacks, and all Fines, Penalties, and Forfeitures, as have respectively been charged or incurred, or become payable, or which before the said last-mentioned Day may be charged or incurred, or become payable, and then remain in arrear or unrecovered or unpaid; all which said Duties, Allowances, and Drawbacks, Fines, Penalties, and Forfeitures, so in arrear or unrecovered or unpaid as aforesaid, may be sued for, recovered, collected, levied, and paid respectively as if this Act had not been passed.

Stationers entitled to Allowance of Excise Duty in respect of unbroken Reams, &c. of Paper in their Stock.

V. Provided always, That any Stationer, Pasteboard Maker, or Paper Stainer who shall have in his Stock or Possession on the First Day of *October* One thousand eight hundred and sixty-one One Ton Weight of Paper of any Denomination, Buttonboard, Millboard, or Pasteboard, or any or either of them, on which the Duties of Excise have been fully charged, and shall produce the same to the proper Officer of Excise authorized by the Commissioners of Inland Revenue to take an Account thereof, in Reams, Half Reams, or Parcels, whole and unopened, with the Wrapper unbroken and the Excise Label thereon uncancelled and unobliterated, shall be entitled to claim and be allowed the whole or such Proportion as herein-after mentioned of the Duty charged on such Paper, Buttonboard, Millboard, and Pasteboard respectively; (that is to say,) if such Paper, Buttonboard, Millboard, or Pasteboard shall have been charged with Duty after the Fifteenth Day of *May* One thousand eight hundred and sixty-one, the whole of the Duty so charged; and if such Paper, Buttonboard, Millboard, or Pasteboard shall have been charged with Duty at any Time on or before the said last-mentioned Day, then at the Rate of One Penny for every Pound Weight Avoirdupois of such last-mentioned Paper, Buttonboard, Millboard, and Pasteboard, and such Allowance shall be claimed

claimed and be repaid to the Party entitled thereto in the Manner directed by and under and subject to the Provisions of this Act, and such Rules and Regulations as the Commissioners of Inland Revenue may make in that Behalf.

Mode of Claiming Allowance of Excise Duty on Paper.

VI. Every Person who shall claim to be entitled to any such Allowance of Duty as aforesaid shall separate the Paper, Buttonboard, Millboard, and Pasteboard charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one on which he intends to claim any such Allowance from that charged on or before the said last-mentioned Day, and shall keep it separate until the Officer of Excise has taken the Account by this Act directed to be taken, and shall within Two Days next after the said First Day of *October* One thousand eight hundred and sixty-one give Notice in Writing to the proper Officer of Excise of the Division in which the Paper, Buttonboard, Millboard, or Pasteboard shall be deposited of his Name and Place of Abode, and the Description of Business carried on by him, and also of the particular House, Shop, or Warehouse in which any Paper, Buttonboard, Millboard, or Pasteboard in respect of which he intends to claim any such Allowance shall be kept or deposited, and specifying the Number of Reams, Half Reams, or Parcels of such Paper, Buttonboard, Millboard, or Pasteboard, and the Weight marked, written, or printed on each Ream, Half Ream, or Parcel by the Maker thereof, distinguishing that whereon the Duty shall have been charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one from that whereon the Duty was charged on or before the said last-mentioned Day, and the total Weight of each Quantity so distinguished, and the Amount of the Allowance of Duty claimed in respect thereof; and if any Person claiming such Allowance as aforesaid shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Paper, Buttonboard, Millboard, or Pasteboard in his Stock or Possession.

Officer to examine Claims and Stock, and to grant Certificate of Allowance.

VII. The proper Officer of Excise authorized by the Commissioners of Inland Revenue shall, as soon as conveniently may be after such Notice given as aforesaid, attend at the Place therein mentioned as the Place where any such Paper, Buttonboard, Millboard, or Pasteboard is deposited, and shall there examine, weigh, and take an Account of the same, and ascertain and compute the Amount of the Allowance to which the Claimant may be entitled in respect thereof; and such Officer shall with all convenient Speed give to such Claimant a Certificate expressing the true Quantity and Weight of the Paper, Buttonboard

board, Millboard, and Pasteboard respectively in respect of which such Claimant shall be entitled to the Allowance, distinguishing the Quantity on which the Duty may have been charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one from that whereon the Duty has been charged on or before the said last-mentioned Day, and specifying the Amount of the Allowance in respect of each such Quantity, and the aggregate Amount of both, and also the Name and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him.

Declaration to be made of the Truth of the Certificate, and Collector to pay the Amount of the Allowance.

VIII. On the Production of such Certificate by the Claimant or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Claimant before a Justice of the Peace or such Collector that the whole Quantity of the said Paper, Buttonboard, Millboard, and Pasteboard of the respective Kinds mentioned in such Certificate was at the Time therein specified in his Stock or Possession, and was the sole Property of such Claimant, or of him and his Copartner in Trade, (as the Case may be,) and that the same or any Part thereof hath not been taken account of for the Purpose of obtaining the said Allowance more than once, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Paper, Buttonboard, Millboard, or Pasteboard, or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, the said Collector, being satisfied of the Truth of such Declaration, shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the said Claimant or his Agent the Sum of Money specified in such Certificate at the next Sitting Day which shall be held for the Collection or Receipt of Excise Duties next after the Expiration of One Week from the Production of such Certificate and the making of such Declaration as aforesaid.

Penalty for forged or false Certificate or false Declaration.

IX. And if any Person shall forge or counterfeit, or cause to be forged or counterfeited, any Certificate by this Act directed to be given, or shall knowingly or wilfully give any false or untrue Certificate, or shall alter or erase, or cause to be altered or erased, any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner utter such Certificate, knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such Certificate, or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed on the following ARTICLES, by this ACT.

Duties now charged on Tea, Sugar, &c. continued until 1st July 1862.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged on and after the First Day of July One thousand eight hundred and sixty-one until the First Day of July one thousand eight hundred and sixty-two, on Importation into Great Britain and Ireland; that is to say,

		£	s.	d.
Tea (without any allowance for Draft),	the lb.	0	1	5
Almonds, Paste of,	the lb.	0	0	2
Cherries, dried,	the lb.	0	0	2
Comfits, dry,	the lb.	0	0	2
Confectionery,	the lb.	0	0	2
Ginger, preserved,	the lb.	0	0	2
Marmalade,	the lb.	0	0	2
Plums, preserved in Sugar,	the lb.	0	0	2
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated,	the lb.	0	0	2
SUGAR; viz.				
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto,	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined,	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed,	the Cwt.	0	13	10

Brown

		£	s.	d.
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar,	the Cwt.	0	12	8
Cane Juice, . . .	the Cwt.	0	10	4
Molasses, . . .	the Cwt.	0	5	0

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned, on and after the First Day of July One thousand eight hundred and sixty-one until the First Day of July One thousand eight hundred and sixty-two; that is to say,

	£	s.	d.
Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3 approved by the Lords of the Treasury, . . for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
Upon Refined Sugar unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2 approved by the Lords of the Treasury, for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality			

Quality to the said Export Standard Sample No. 2, . .	£	s.	d.
for every Cwt.	0	12	8

Duty on Chicory.

In lieu of the Duties of Customs now charged on the Articles under mentioned, the following Duties of Customs shall, on and after the Sixteenth Day of April One thousand eight hundred and sixty-one, be charged thereon on Importation into Great Britain and Ireland; that is to say,

	£	s.	d.
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz.			
Raw or kiln-dried, . the Cwt.	0	12	0

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act.

Chicory:

For and upon all Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee grown in the United Kingdom;

For every Hundredweight thereof, raw or kiln-dried, until the First Day of April One thousand eight hundred and sixty-two, the Duty of Eight Shillings and Sixpence, and on and after that Day the Duty of Eleven Shillings, and so in proportion for any greater or less Quantity than a Hundredweight:

In lieu of the Duties of Excise now payable thereon.

SCHEDULE (C.)

Containing the Rates and Duties of Income Tax granted by this Act.

For One Year, commencing on the Sixth Day of April One thousand eight hundred and sixty-one, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties, that is to say:—

For every Twenty Shillings of the annual Value or Amount of

of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act,) the Rate or Duty of Ninepence ;

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Rate or Duty of Fourpence Halfpenny ; and

In Scotland and Ireland respectively the Rate or Duty of Threepence ;

Subject to the Provision contained in the said Act, Sixteen and Seventeen Victoria, Chapter Thirty-four, Section Twenty-eight, for the Relief of Persons whose Incomes are under L.150 a Year respectively, from so much of the said Duties as shall exceed the Rate of Sixpence for every Twenty Shillings of their respective Profits and Gains, computed as in the said Enactment is mentioned, and subject also to the Provision therein contained for the Exemption of Persons whose Incomes from every Source shall be less than L.100 a Year respectively.

SCHEDULE (D.)

Specifying the ARTICLES upon which CUSTOMS DUTIES are to cease by this ACT.

The Duties of Customs chargeable upon the Goods, Wares, and Merchandise next herein-after mentioned, imported into Great Britain and Ireland, shall cease and determine on and after the First Day of October One thousand eight hundred and sixty-one ; (that is so say,)

Paper ; viz.

Brown Paper, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith.

Printed, painted, or stained Paper Hangings or Flock Paper.

For Printing or Writing.

Gilt, stained, coloured, embossed, and all fancy Kinds, not being Paper Hangings, or Paper fit for Printing or Writing.

Waste Paper, or Paper of any other Sort not particularly enumerated or described, not otherwise charged with Duty.

Millboards.

Pasteboard.

Books ;

Books; viz.
——— being of Editions printed in or since the Year 1801, bound or unbound.
——— admitted under Treaties of International Copyright, or if of and from any British Possession.
Prints and Drawings; viz.
——————— plain or coloured.
——————— admitted under Treaties of International Copyright.
——————— or, and at the Option of the Importer,
——————— ——— Single.
——————— ——— Bound.

CAP. XXI.

An Act for granting to Her Majesty certain Duties of Excise and Stamps.—[28*th* June 1861.]

Most Gracious Sovereign:

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Duties of Excise and Stamps specified and contained in the Schedules marked respectively (A.) and (B.) to this Act annexed, which said Duties shall commence and take effect at or from the respective Times specified or mentioned in that Behalf in the said Schedules; and where with regard to any of such Duties no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act: Provided, that the last-mentioned Duties imposed on any of the several Instruments, Matters, and things described in the said

said Schedule (B.) shall be chargeable in respect of such of them only as shall be dated, or, if there be no Date, made or signed at any Time after the Day of the passing of this Act.

Power to Licensed Dealers in Spirits taking out an additional Licence to retail and send out Foreign or British Spirits in less Quantities than Two Gallons.

II. Any Person duly licensed as a Dealer in Spirits in *England* may take out an additional Licence authorizing him to sell by Retail Foreign or *British* Spirits in any Quantity not less than One reputed Quart Bottle, or, as to Foreign Liqueurs, in the Bottles in which the same may have been imported, not to be drunk or consumed upon the Premises; and any Licensed Dealer taking out such additional Licence may send out or deliver any such Spirits without the Certificate required by Law in such Cases, if the Quantity does not exceed One Gallon at a Time, and such Spirits are not sent to the Stock of any Dealer or Retailer: Provided always, that nothing herein contained shall extend to repeal, alter, or affect Section One hundred and sixty-nine of the Act of the last Session of Parliament, Chapter One hundred and fourteen: Provided further, that, notwithstanding any Provision herein-after contained, all Penalties to be incurred or recoverable under this Section, or in relation thereto, may be sued for by any Superintendent or Inspector of Police, upon Information and Summons before the Police Court or Justice having Jurisdiction in the Place where the Offence is committed, but the Appropriation of the Penalty shall be the same as is herein-after specified.

Licences may be granted for the Sale of Table Beer by Retail not to be drunk on the Premises, without Persons being rated, or Producing Certificate.

III. It shall be lawful for any Person to take out a Licence for the Sale in any House or Shop of Table Beer, at a Price not exceeding the Rate of One Penny Halfpenny the Quart, and not to be drunk or consumed on the Premises where sold; and it shall not be necessary to the obtaining of such Licence that the said House or Shop shall be rated to the Relief of the Poor to any Amount, or that the Person applying for such Licence shall produce any Certificate, or enter into any Bond required by any Act relating to the Sale of Beer by Retail.

Provisions of former Acts to apply to this Act.

IV. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the said Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and

and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted respectively

Expiration of Licences granted under this Act, to Hawkers, Pedlars, &c.

V. All Licences to Hawkers, Pedlars, and Petty Chapmen under this Act, where the same shall be respectively granted for any Period exceeding Six Months, shall continue in force until and upon the Thirty-first Day of *July* next following the Date thereof, and no longer; and where they shall be granted for any Period not exceeding Six Months they shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

A Licence may be granted to a Hawker on a Certificate of a Justice or an Officer of Police.

VI. Any Licence to a Hawker, Pedlar, and Petty Chapman under this Act may be granted by any authorized Officer of Inland Revenue upon the Person applying for it producing either such Certificate as is now by Law required before receiving a Hawker's Licence, or a Certificate under the Hand of a Justice of the Peace for the County or Place, or any Superintendent or Inspector of Police of or for the District in which the Officer shall reside, that the Applicant for such Licence under this Act is a proper Person to be so licensed.

Not to affect the Licences to Hawkers, &c. trading otherwise than as herein mentioned, nor the Provisions of the Act in force.

VII. Provided always, That nothing herein contained shall in any way affect the Licences by Law required to be taken out by Hawkers, Pedlars, and Petty Chapmen travelling or trading in any other Manner than as in the Schedule to this Act is mentioned, or the Duties thereon, nor, save as herein is expressly enacted, any of the Powers, Provisions, Clauses, Regulations, Directions, Fines, Forfeitures, Pains, and Penalties contained in any Act of Parliament in force relating to Hawkers, Pedlars, and Petty Chapmen, or to Stamp Duties.

Licensed Hawkers, &c. may carry and sell Tea and Coffee under an Excise Licence.

VIII. And whereas Persons licensed under the Laws of Excise to sell Tea and Coffee are restricted in the sale thereof to Premises of which Entry is required to be made with the Officers of Excise: and it is expedient to allow such licensed Persons who shall also be duly licensed under the Acts in force relating to Hawkers, Pedlars, and Petty Chapmen in *Great Britain* to carry and expose for Sale and sell Tea or Coffee in the Course of their Trading as such Licensed Hawkers, Pedlars, and Petty Chapmen: Be it enacted, That no Person who shall be duly licensed under the Laws of Excise to sell Tea or Coffee, and also duly licensed as a Hawker, Pedlar, and Petty Chapman, shall be subject to any Penalty or Forfeiture for selling Tea or Coffee elsewhere than on such entered Premises as aforesaid, by reason or on account of his selling Tea or Coffee in the regular Course

Course of his Trading as such Hawker, Pedlar, or Petty Chapman, duly licensed as aforesaid, anything in any Act relating to the Excise to the contrary notwithstanding.

Persons seeking Orders for Goods at other Men's Houses to be deemed Hawkers.

IX. Persons going from Town to Town or to other Men's Houses carrying to sell or exposing to Sale any Goods, Wares, or Merchandise, or carrying and exposing Samples or Patterns of any Goods, Wares, or Merchandise to be afterwards delivered, shall be deemed to be and shall be trading Persons within the Meaning of this Act, and of the Acts now in force relating to Hawkers, Pedlars, and Petty Chapmen, and shall be subject and liable to all the Duties, Provisions, Regulations, Pains, and Penalties in and by the said Acts imposed or contained, as if the same were herein repeated and re-enacted with reference to the Persons and Matters and Things aforesaid: Provided that nothing herein contained shall extend to subject Commercial Travellers or other Persons to the Duties and Provisions of the said Acts by reason merely of their selling or seeking orders for Goods, Wares, or Merchandise to or from Persons who are Dealers therein, and who buy to sell again, nor to Persons licensed by the Excise to deal in Spirits, Wine, or Beer, or to the Agents of such last-mentioned Persons, nor to Persons who are the real Workers or Makers of any Goods or Wares, or the Servants of such Persons seeking Orders for any of such Goods or Wares.

Who shall be deemed House Agents, and required to be licensed as such.

X. Every Person who, as an Agent for any other Person, shall, for or in expectation of Fee, Gain, or Reward of any Kind, advertise for Sale or for Letting any furnished House or Part of any furnished House, or who shall by any Public Notice or Advertisement, or by any Inscription in or upon any House, Shop, or Place used or occupied by him, or by any other Ways or Means, hold himself out to the Public as an Agent for selling or letting furnished Houses, and who shall let or sell, or agree to let or sell, or make or offer or receive any Proposal, or in any way negotiate for the selling or letting of any furnished House or Part of any furnished House, shall be deemed to be a Person using and exercising the Business, Occupation, and Calling of a House Agent within the Meaning of this Act and the Schedule (B.) hereto, and shall be licensed accordingly: Provided that no Person shall be deemed to be such House Agent by reason of his letting, or agreeing or offering to let, or in any way negotiating for the letting, of any House not exceeding the annual Rent or Value of Twenty-five Pounds: Provided also, that any Story or Flat rated and let as a separate Tenement shall be considered to be a House for the Purposes of this Enactment.

By whom Licences to

XI. The Commissioners of Inland Revenue, and any Person authorized by them, shall, after the Fifth Day of *July*, One

House Agents shall be granted, and the Date and Continuance thereof.

thousand eight hundred and sixty-one, grant Licence to any Person who shall apply for the same to use and exercise the Business, Occupation, and Calling of a House Agent, which Licence shall also authorize the Person to whom it is granted to use and exercise the Calling or Occupation of an Appraiser; and any such Licence issued between the Fifth Day of *July* and the Fifth Day of *August* in any Year shall be dated on the Sixth Day of *July*, and any such Licence issued at any other Time shall bear the Date of the Day on which the same shall be issued, and every such Licence shall continue in force from the Day of the Date thereof until and upon the Fifth Day of *July* then next following and no longer.

Penalty on House Agents acting without a Licence.

XII. Every Person who shall use or exercise the Business, Occupation, or Calling of a House Agent, without having a Licence in force under this Act so to do, shall forfeit the Sum of Twenty Pounds.

Exceptions.

XIII. Provided always, That this Act shall not extend to require any Agent employed in the Management of Landed Estates, or any Attorney, Solicitor, Proctor, Writer to the Signet, Agent or Procurator admitted in any Court of Law, or any Conveyancer, who shall as such have taken out his annual Certificate, or any Auctioneer or Appraiser, having in force a Licence as such, to take out a Licence under this Act as a House Agent.

The Stamp on the Lease of a furnished House may be adhesive; the same to be cancelled.

XIV. The Stamp Duty on a Lease or Tack of a furnished Dwelling House for a Term or Period of Time less than a Year, or on an Agreement, or a Minute or Memorandum of an Agreement, containing the Terms and Conditions on which any such House is let, held, or occupied for any such Term or Period of Time, whatever may be the Amount of Rent reserved or made payable, and any Counterpart or Duplicate thereof, may be denoted by an adhesive Stamp affixed thereto, to be provided by the Commissioners of Inland Revenue for that Purpose; and where any such adhesive Stamp shall be used, every Party to the Instrument who shall sign the same shall also at the Time of signing it write upon or across the Stamp his Name, and there shall, before or at the Time of so signing the Instrument by the Party who shall first sign the same, be written upon the Stamp the Date of the Instrument, so that the Stamp may be appropriated to the Instrument and effectually cancelled and rendered incapable of being used for any other Instrument, and in default thereof the Stamp shall be of no avail, and Proof of the said Writing upon or across the Stamp as aforesaid shall be a necessary Part of the Evidence of the signing or making of the Instrument in any Case where such Instrument is not stamped with an impressed Stamp: Provided always, that where the Persons who as Parties shall sign any such Instrument shall exceed

exceed Two, it shall be sufficient if One Person only on each Part shall write his Name on the Stamp.

XV. If any Lease or Tack, or Agreement, Minute or Memorandum of Agreement, herein-before described, or any Duplicate or Counterpart thereof, shall not be written on Paper or Parchment duly stamped for the same, and shall not at the Time of signing the same as aforesaid have affixed thereto the proper adhesive Stamp, or such Stamp, if affixed, shall not be cancelled in manner herein-before mentioned, every Person who shall sign the said Instrument, if there shall be no Stamp thereon or affixed thereto, and every Person who shall make default in signing his Name across the adhesive Stamp, if one shall be affixed thereto, and also, in either of the Cases aforesaid, the Agent or Person who shall prepare or be employed in preparing such Instrument, shall forfeit Five Pounds, which shall be in addition to any Penalty by Law payable on stamping the same: Provided always, that nothing herein contained shall be construed to render any Person liable to any Penalty for or on account of any Letters or Correspondence by Post containing the Terms or Conditions offered or accepted for the taking or letting of any furnished House. Penalty for signing any such Agreement not stamped.

SCHEDULES.

SCHEDULE (A.)

Containing the Duties of Excise granted by this Act.

Retail Licence to Dealers in Spirits.

	£	s.	d.
For and upon every additional Excise Licence to be taken out by any licensed Dealer in Spirits in Great Britain to authorize and empower him to sell by Retail Foreign or British Spirits in any Quantity not less than One reputed Quart Bottle, or as to Foreign Liqueurs in the Bottles in which the same may have been imported, and not to be drunk or consumed on the Premises, the Sum of	3	3	0

Licence to sell Table Beer.

For and upon every Excise Licence to be taken out by any Person for the Sale in any House

or

	£	s.	d.
or Shop of Table Beer at a Price not exceeding the Rate of One Penny Halfpenny the Quart, and not to be drunk or consumed on the Premises where sold	0	5	0

SCHEDULE (B.)

Containing the STAMP DUTIES imposed by this ACT.

BILL OF EXCHANGE (Foreign) for the Payment of Money exceeding L.500 drawn out of the United Kingdom, and payable or endorsed or negotiated within the United Kingdom. For every L.100 and Part of L.100 of the Money thereby made payable . .	0	1	0
LEASE or TACK of any furnished Dwelling House for any Term or Period of Time less than a Year, or any Agreement, Minute or Memorandum of Agreement, containing the Term and Conditions on which any such House is let, occupied, or held for any such Term or Period of Time, where the Rent for such Term or Period of Time shall exceed L.25 . .	0	2	6
And where the same, together with any Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto, shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words therein contained over and above the first 1,080 Words the further progressive Duty of .	0	2	6
And for any Duplicate or Counterpart thereof—	The same Duty or Duties.		
LICENCE to be taken out by any Hawker, Pedlar, or Petty Chapman in Great Britain who shall travel and trade on Foot, without any Horse or other Beast bearing or drawing Burden, and who shall carry his Goods, Wares, or Merchandise to and sell or expose for Sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other Place whatever belonging to or hired or occupied or used by him for selling or exposing the			

same

	£	s.	d.
same for Sale in any Town to which he may travel.			
Where such Licence shall be granted for any Period not exceeding Six Months .	1	0	0
And where the same shall be granted for any Period exceeding Six Months and not exceeding a Year	2	0	0
LICENCE to be taken out by any such trading Person in Great Britain who shall travel with One Beast of Burden only, that is to say, an Ass or a Mule, or a Horse not exceeding in Height Thirteen Hands, of Four Inches to each Hand,			
Where such Licence shall be granted for any Period not exceeding Six Months .	2	0	0
And where the same shall be granted for any Period exceeding Six Months and not exceeding a Year	4	0	0
The several Stamp Duties herein-before contained in this Schedule to be in lieu of the Stamp Duties now payable upon the like Matters under any other Act now in force.			
LICENCE to be taken out yearly after the Fifth Day of July One thousand eight hundred and sixty-one, by every Person who shall use or exercise the Business, Occupation, or Calling of a House Agent	2	0	0

CAP. XXII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford *in the County of* Oxford.—[28*th* June 1861.]

CAP. XXIII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading.—[28*th* June 1861.]

CAP. XXIV.

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson *at* Temple Balsall *in the County of* Warwick.—[28*th* June 1861.]

CAP. XXV.

An Act to enable the Secretary of State in Council of India *to raise Money in the United Kingdom for the Service of the Government of* India.—[28*th* June 1861.]

WHEREAS the Exigencies of the Public Service in *India* require that the Secretary of State in Council of *India* should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of *India*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Secretary of State in Council of India to raise any Sum not exceeding Four Millions.

I. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty-two, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom, for the Service of the Government of *India*, any Sum or Sums of Money not exceeding in the whole Four Millions, and such Sum or Sums may be raised by the Creation and Issue of Bonds or Debentures, or Capital Stock bearing Interest, or Annuities, or partly by one of such Modes and partly by another or others.

Bonds may be issued under Hands of Members of Council, countersigned by Secretary or Under Secretary.

II. All Bonds issued under the Authority of this Act may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India* or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest as the said Secretary of State in Council may think fit.

III. All Debentures issued under the Authority of this Act may

may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council. Debentures may be issued.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Monies and Interest secured by such Debentures shall be payable either at the Treasury of the Secretary of State in Council in *London* or at the Bank of *England*. As to Payment of Principal and Interest on Debentures.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Monies secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture issued under the Authority of this Act shall pass by Delivery. Debentures transferable by Delivery or Deed; Coupons by Delivery.

VI. Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Centum per Annum*, as the Secretary of State in Council may think fit; and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities. Capital Stock and Annuities may be created and issued.

VII. In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer Books of such Capital Stock and Annuities to be kept.

such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities Personal Estate.

VIII. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London*, or otherwise.

The whole Amount charged on Revenue of India not to exceed Four Millions.

IX. The whole Amount of the Principal Monies to be charged on the Revenues of *India* under this Act shall not exceed Four Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty-two, or, if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act as herein-after provided.

Power to raise Money for Payment of Principal Money.

X. Upon or for the Repayment of any Principal Money secured under the Authority of this Act, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid, or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

Securities, &c. to be charged on Revenues of India.

XI. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under the Act, shall be charged on and payable out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provisions as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

XII. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

XIII. All

XIII. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority. Forgery of Debentures to be punishable as Forgery of East India Bonds.

XIV. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Monies raised on Loan under the Provisions of this Act; also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year. Returns to be annually prepared of Monies raised on Loan, &c., and presented to Parliament.

XV. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof. Saving Powers of the Secretary of State in Council.

CAP. XXVI.

An Act to amend the Dublin *Improvement Act*, 1849. —[28*th* June 1861.]

CAP. XXVII.

An Act to declare the Limits within which increased Assessments are authorized to be raised in the City of Edinburgh, *under the Provisions of the Act of the Twenty-third and Twenty-fourth Years of* Victoria, *Chapter Fifty.*—[28*th* June 1861.]

WHEREAS Doubts have arisen as to the Extent of the Area within which, under the Provisions of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Fifty, the Magistrates and Council of the City of *Edinburgh* are empowered to levy 23 & 24 Vict. c. 50.

levy certain increased Assessments by the said Act authorized to be levied, and it is expedient to remove such Doubts: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Declaring Extent of Authority of Magistrates, &c. of City of Edinburgh, under Provisions of recited Act, to levy increased Assessments.

I. That the said Magistrates and Council of the City of *Edinburgh* were and are authorized and entitled, under the Provisions of the recited Act, and in particular of Section Eleven thereof, to levy the increased Assessments specified in the said Section solely upon or in respect of the gross yearly Value of the Lands and Heritages situated within the ancient and extended Royalties of the said City, and that to an Extent equal to but not exceeding Fourpence and One Halfpenny in the Pound on the said gross yearly Value, and were not authorized and are not entitled to levy the said increased Assessments upon or in respect of any Lands and Heritages situated beyond the Limits of the said ancient and extended Royalties; and that the said Magistrates and Council were and are authorized and entitled, under the Provisions of the recited Act, to add the Sum required under the Twenty-fifth Section thereof to the Estimates made, and to include the Amount of that Sum in the Assessment levied by them in Terms of the *Edinburgh* "Police Act, 1848," and "*Edinburgh* Municipality Extension Act, 1856."

Interpretation of Words.

II. The Words "ancient and extended Royalties," as used in this Act, shall be held to mean the Districts so designated before the passing of the "*Edinburgh* Municipality Extension Act, 1856."

CAP. XXVIII.

An Act to relieve certain Trusts on the Holyhead *Road from Debts.*—[11*th* July 1861.]

CAP. XXIX.

An Act to authorize the Removal of the Infirmary for the County of Cork *from the town of* Mallow *to the City of* Cork.—[11*th* July 1861.]

CAP. XXX.

An Act to declare the Validity of an Act passed by the General Assembly of New Zealand, *intituled* An Act to provide for the Establishment of new Provinces in *New Zealand.*—[11*th* July 1861.]

CAP. XXXI.

An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone. —[11*th* July 1861.]

CAP. XXXII.

An Act for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity," at Guildford *in the County of* Surrey, *and its subsidiary Endowments, with certain Alterations.*—[11*th* July 1861.]

CAP. XXXIII.

An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act of 1859.—[11*th* July 1861.]

CAP. XXXIV.

An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in Ireland, *and*

and to further provide for the Erection of Dwellings for the Labouring Poor in Ireland.—[11*th* July 1861.]

CAP. XXXV.

An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, *and to make further Provision respecting the mutual transfer of Capital in certain Public Stocks or Funds transferable at the Banks of* England *and* Ireland *respectively, and for other Purposes.*—[22*d* July 1861.]

CAP. XXXVI.

An Act to amend the Boundaries of Burghs Extension (Scotland) *Act.*—[22*d* July 1861.]

20 & 21 Vict. c. 70.

WHEREAS by the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, it is provided that the Boundaries of Royal and Parliamentary Burghs in *Scotland* may be extended for Municipal Purposes only, including the Right of voting for Town Councillors, and all Matters connected with Police, and it is expedient that Provision should be made for the Division into Wards of the District comprehended within the extended Boundaries of such Burghs as have been or may be divided into Wards: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Extended District may be formed into Wards or annexed to existing Wards by the Sheriff on Appli-

I. Where the recited Act has been or shall be adopted in any Royal or Parliamentary Burgh in *Scotland* which has been or shall be divided into Wards, and the extended Boundaries of such Burgh have been or shall be fixed in manner therein provided, it shall be lawful for the Sheriff of the County in which such Burgh is situate, or any of his Substitutes, on the Application of the Town Council of such Burgh, to form the District comprehended within such extended Boundaries into a Ward

Ward or Wards, or to annex such District or any Part thereof to any One or more of the existing Wards of such Burgh, and to fix and arrange the Limits of such extended Wards, and the Number of Councillors to be elected for each existing and extended Ward of such Burgh, in such Manner as he shall think fit, and to take all such Proceedings for these Purposes as may be necessary or expedient. cation of the Town Council.

II. On such Formation or Annexation of Wards being made and completed, a Notice signed by such Sheriff or Sheriff Substitute specifying the Limits of the extended Wards, and the Number of Councillors to be elected for each existing and extended Ward of such Burgh, as fixed and arranged by him, shall be published once in the *Edinburgh Gazette*, and once in each of Two successive Weeks in a Newspaper published in such Burgh, or, if no Newspaper be published therein, in a Newspaper published in the County in which such Burgh is situate; and thereafter the qualified Electors of all such Wards, whose Names shall be on the List or Roll of Electors of such Burgh in force for the Time being, shall be entitled to vote in the Election of Councillors for such Burgh, for as many qualified Persons to be Councillors in and for such Wards respectively as are specified in such Notice, in the Manner provided by the Acts Third and Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven; and all Orders or Deliverances made or pronounced by such Sheriff or Sheriff Substitute in the Execution of this Act shall be final, and not subject to Appeal, Review, or Reduction in any Court or by any Process whatsoever. Notice of Limits of Wards and Number of Councillors to be published.

III. In the event of the Boundaries of any Burgh being extended into another County than that in which such Burgh is situate, it shall be lawful for the Sheriff or Sheriff Substitute of the County in which such Burgh is situate to act, in carrying into execution the Provisions of this Act with respect to the District comprehended within such extended Boundaries in another County, in the same Manner and to the same Effect as if such District had been situate in the County of which he is Sheriff or Sheriff Substitute. Sheriff may act when extended Boundaries are in another County.

IV. All Expenses incurred in or with respect to the Proceedings under this Act in any Burgh shall be paid by the Town Council of such Burgh. Expenses to be paid by Town Council.

CAP. XXXVII.

An Act to simplify the Mode of raising the Assessment for the Poor in Scotland.—[22*d* July 1861.]

WHEREAS it is expedient to simplify the mode of imposing the Assessment for raising the Funds for the Relief of the Poor in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of Sect. 34 of 8 & 9 Vict. c. 83 as to Means and Substance Mode of Assessment abolished.

I. From and after the First Day of *January* One thousand eight hundred and sixty-two so much of Section Thirty-four of the Act of the Eighth and Ninth Years of Her Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, as makes it lawful for any Parochial Board of any Parish or Combination of Parishes in *Scotland* to raise One Half of the Funds requisite for the Relief of the poor Persons entitled to Relief from the Parish or Combination by Assessment upon the Owners of all Lands and Heritages within the Parish or Combination, according to the annual Value of such Lands and Heritages, and the other Half upon the whole Inhabitants, according to their Means and Substance, other than Lands and Heritages situated in *Great Britain* and *Ireland*, or to raise such Funds by Assessment, imposed as an equal Per-centage upon the annual Value of all Lands and Heritages, within the Parish or Combination, and upon the estimated annual Income of the whole Inhabitants from Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland*, is hereby repealed: and every Parochial Board of any Parish or Combination of Parishes now raising such Funds in Terms of the Parts of the said recited Act which are hereby repealed as aforesaid shall, before ceasing to raise such Funds, and within Two Months after the passing of this Act, resolve to adopt the First Mode of Assessment specified in Section Thirty-four of the recited Act, and to classify Lands and Heritages equitably in Terms of the Thirty-Sixth Section of the said recited Act, and shall forthwith report such Resolution to the Board of Supervision, which is hereby authorized and required to determine whether or not the Classification so resolved on is equitable, and in the event of their considering the Classification thereby made is not equitable, to vary or alter the same as to them shall seem just;

just ; and until the said First Mode of Assessment so resolved on, with relative Classification, shall have been approved of by the Board of Supervision, the Assessment for Relief of the Poor in any Parish where the Classification may not be approved of shall continue to be raised according to the Mode now in operation in such Parish ; and after the proposed Classification in any Parish shall have been approved of by the Board of Supervision, it shall not be altered or departed from without the Sanction of the said Board : Provided always, that nothing in this Act shall be construed to prevent the Parochial Board of any Parish or Combination of Parishes from collecting any such Assessments actually imposed prior to the First Day of *January* One thousand eight hundred and sixty-two, according to the Mode legally in force in the Parish or Combination at the Date when such Assessments were imposed.

CAP. XXXVIII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.—[22*d* July 1861.]

CAP. XXXIX.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), *relating to the Districts of* Brighton, East Cowes, Preston, Morpeth, Bromsgrove, *and* Durham ; *and for other Purposes in relation thereto.*—[22*d* July 1861.]

CAP. XL.

An Act to make further Provision for the Management of Her Majesty's Forest of Dean, *and of the Mines and Quarries therein and in the Hundred of* Saint Briavels *in the County of* Gloucester.—[22*d* July 1861.]

CAP. XLI.

An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham *in the County of* Kent, *and to embank Part of the River* Medway; *and for other Purposes connected therewith.*—[22*d* July 1861.]

CAP. XLII.

An Act to continue the Duties levied on Coal and Wine by the Corporation of London.—[22*d* July 1861.]

CAP. XLIII.

An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in Ireland *by the Prevention of frivolous or fictitious Defences to Actions thereon.*—[22*d* July 1861.]

CAP. XLIV.

An Act to remove Doubts respecting the Authority of the Legislature of Queensland, *and to annex certain Territories to the Colony of* South Australia, *and for other Purposes.*—[22*d* July 1861.]

CAP. XLV.

An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain *and* Ireland.—[1*st* August 1861.]

WHEREAS it is expedient to encourage and facilitate the Formation, Management, and Maintenance of Piers and Harbours in *Great Britain* and *Ireland:* And whereas in certain Cases where it is now necessary to apply to Parliament for special Local Acts the Expense of obtaining such special Acts serves to prevent many necessary Works being undertaken: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Words and Figures "The General Pier and Harbour Act, 1861."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Plantations:

The Expression "Person or Persons" shall include Companies, Corporations, Commissioners, Trustees, Undertakers, Conservators, or Individuals:

The Word "Promoters" shall apply to and include any Person or Persons who shall make Application for a Provisional Order under this Act:

The Word "Works" shall include any Pier, Harbour, Quay, Wharf, Jetty, or Excavation, whether complete or incomplete, on or near the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith:

The several Words and Expressions contained in the Clauses of any Acts incorporated with this Act shall have the Meanings assigned to them by such Act or Acts, except in Cases

Cases in which other Meanings are expressly assigned to them by this Act.

Persons may apply to Board of Trade to grant Provisional Orders.

III. Persons desirous of obtaining Authority to construct any Works under this Act, or to levy Rates at any existing or at any new Works, may make Application by Memorial to the Board of Trade to grant Provisional Orders as herein-after mentioned: Provided always, that this Act shall not apply in any Case where the estimated Expenditure upon any proposed Works shall exceed the Sum of One hundred thousand Pounds.

Subscribers to Memorial to be Promoters.

IV. The Persons whose Names shall be subscribed to such Memorial shall be deemed to be the Promoters; and it shall be lawful for the Board of Trade to require and take Security from the Promoters for the Payment of all Costs, Charges, and Expenses necessarily incurred by the said Board of Trade in relation to any such Provisional Order, and such Costs shall be a Debt due to Her Majesty from the Promoters, and be recoverable by Action in any Court of Law of competent Jurisdiction.

Promoters to deposit Copies of Memorial and Plans at the Office of the Clerk of the Peace.

V. In case the Promoters shall be desirous of executing any Works under this Act, they shall in the Months of *October* and *November* deposit Copies of the Memorial they may have submitted to the Board of Trade in relation thereto, and of the Plans, Sections, Working Drawings of the Harbour and of any proposed Works, at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division of any County in *Scotland*, in which the proposed Works are to be executed, there to remain open for public Inspection, and all Persons shall at all seasonable Hours of the Day be at liberty to inspect and to make Copies or Extracts therefrom; and the Deposit of such Copies and Advertisement of such Deposit shall be certified in such Manner as may be required by the Board of Trade; and Notice of the Deposit of a Copy of such Memorial, and of the Plans, Sections, and Working Drawings of the proposed Works as aforesaid, shall be published once in each of Two consecutive Weeks in some Newspaper circulated within the County wherein such Works are proposed to be undertaken, and once in the *London, Edinburgh*, or *Dublin* Gazette.

Notice of Deposit to be given by Advertisement.

Promoters to deposit Plans with the Admiralty.

VI. The Promoters shall deposit at the Admiralty Office, *Whitehall*, a Copy of such Memorial, and Plans and Sections and Working Drawings of the Harbour and the proposed Works connected therewith, and shall make Application to the Admiralty to sanction such Works, and thereupon the Admiralty, so soon as may be, shall give or withhold their Sanction to the proposed Works, or shall indicate what Alterations, if any, shall be made in the proposed Works.

VII. The

VII. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any Application for such Approval, as if the same were an Application to Parliament for such a Bill as is in that Act mentioned. Application of 14 & 15 Vict. c. 49. to this Act.

VIII. Notwithstanding anything in this Act contained, the proposed Works shall only be undertaken and executed upon such Conditions and according to such Plans as shall be previously approved by the Lords of the Admiralty as aforesaid; and if any Works shall at any Time be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of any Commissioners or other Person or Persons that may for the Time being have the Management of any such Works, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly. Power to Admiralty to remove Works not approved by them.

Levying of Rates.

IX. In case the Promoters or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, shall be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they shall prepare,— Regulations as to levying of Rates upon Application to Board of Trade.

(1.) A Schedule of such Rates which they may think reasonable and proper to be levied at such Works, and shall publish such Schedule once at the least in each of Two consecutive Weeks in the Months of *October* and *November* in some Newspaper circulated within the District or some Part of the District in which such Works are or may be proposed to be constructed: Publication of Schedule.

(2.) And shall also deposit a printed Copy of such Schedule at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in *Scotland* in the Office of the Sheriff Clerk and Clerk of the Peace of the County where such Works are or may be proposed to be constructed: Deposit of Schedule with Clerks of the Peace.

(3.) And shall also transmit a Copy of such Schedule to the Board of Trade, and therewith a Statement showing the State of any existing Works, and the Rates then leviable thereat, the average Revenue derived at such Works for the Three Years preceding the Date of the First of such Advertisements as aforesaid, and the probable Deposit of Schedule with Board of Trade.

bable or estimated Amount of the Rates proposed to be levied under such Schedule at any existing Works, or at any new Works proposed to be constructed; and also the estimated Amount of Money, if any, proposed to be expended upon any existing or upon any new Works:

Ship-owners, Traders, &c., &c., may forward Objections to Board of Trade.

(4.) And it shall be competent to any Shipowner or Trader within the Limits of such Port, Harbour, or Place, or to any registered Elector or Landowner in the County in which such Works may be situate, or in which it is proposed to construct any new Works, to forward any Objections to such Schedule in Writing to the Board of Trade within Fourteen Days after the last Insertion of such Schedule in any Newspaper as aforesaid:

Board of Trade to adjust Schedule, and may empower Promoters to levy Rates.

(5.) The Board of Trade, after the said Fourteen Days shall have elapsed, and after the Receipt of such Schedule and Statement, shall, as soon as conveniently may be, take the same into consideration, and make such Inquiries and obtain such further Information in reference to the several Matters therein set forth, and to the Objections, if any, that may have been forwarded as aforesaid, as they may deem expedient, and shall finally adjust and fix a Schedule of Rates not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," and thereupon the Board of Trade may by Provisional Order empower any of the Persons in this Section mentioned, or their Assigns, to levy and recover Rates according to such Schedule, and to borrow Money on the Security of such Rates, upon such Terms and Conditions and under such Regulations as may be deemed expedient.

Consent of Commissioners of Woods, &c. to be obtained.

X. No Provisional Order, except such as relate to the levying and Recovery of Rates only, shall be made under this Act without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues being first had and obtained.

Saving Rights of the Crown.

XI. Nothing in this Act contained shall extend to abrogate or prejudice any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or of Her Duchy or County Palatine of *Lancaster*.

Saving Rights of the Duchy of Cornwall.

XII. Nothing contained in this Act, or in the Acts incorporated herewith, shall extend to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or

or Authorities for the Time being vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving Rights of Conservators of the Rivers Thames and Mersey, &c.

XIII. Nothing in this Act contained shall extend or be applicable to the Port of *London*, or to the River *Thames* within the Limits defined by "The *Thames* Conservancy Act, 1857," nor to the Port and Harbour of *Liverpool*, or to the River *Mersey*, as defined by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for better preserving the Navigation of the River* Mersey, nor to the Port and Harbour of *Glasgow* and the Limits of the River *Clyde*, as defined by "The *Clyde* Navigation Consolidation Act, 1858," nor to the Port and Haven of *Sunderland* and River *Wear*, within the Limits defined by "The River *Wear* and *Sunderland* Dock Act, 1859," nor to the Port of *Kingston-upon-Hull*, or the River *Humber*, within the Limits defined by "The River *Humber* Conservancy Act, 1852," nor to the River Tyne or to the Port and Harbour of *Newcastle-upon-Tyne*, and the Limits thereof as defined by "The *Tyne* Improvement Act, 1850."

Promoters not to do any Act which shall prejudice any Right acquired by Royal Charter, &c.

XIV. The Promoters shall not, by any Provisional Order under this Act, or by any Act of Parliament confirming such Order, be authorized to do any Act, Matter, or Thing which shall prejudice or affect any Right, Privilege, Power, Jurisdiction, or Authority acquired by or given or reserved to any Person or Persons by Royal Charter, by Prescription, or by any Local or Personal or Private Acts, for the Purpose of executing any Works such as are contemplated by this Act, or for the Management and Conservancy thereof, or for protecting the Navigation of any tidal Waters or Navigable River, or for making any River navigable, or otherwise improving, maintaining, or continuing the navigable Passage thereof, or any Works connected therewith, or which shall or shall tend to prejudice or injuriously affect the Access to or Passage from any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, or the Channels or Passages thereof, or leading thereto or therefrom, or the Use or Enjoyment of any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, without the Consent in every Case of such Person or Persons, and such Consent shall be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Board of Trade may grant Provisional Orders, subject to

XV. After such inquiries as the Board of Trade may think expedient, and after the Consent of the Admiralty, and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and, if required, of the Persons mentioned in the last preceding

Provisions herein named.

preceding Section, shall have been obtained, and the same shall have been certified to the Board of Trade in such Manner as they may require, the Board of Trade may settle and make a Provisional Order; and every such Order shall be made and shall take effect subject and according to the following Provisions:—

It shall specify who are to be the Undertakers of the Works, and may provide (where requisite for the Election or Appointment of Commissioners as Undertakers of the Works, and may (where requisite) incorporate the Undertakers into a Body Corporate, with an appropriate Name, perpetual Succession, and a Common Seal:

It may empower the Undertakers to make and alter Byelaws for the Management of such Works, subject in *England* and *Ireland* to the Approval of the Court of Quarter Sessions of the Peace for the County in which the Works are situated, and in *Scotland* to the Approval of the Sheriff or Sheriff Substitute of such County:

It may empower the Undertakers to take Land on Lease or otherwise, to an Extent limited by the Order, by Agreement:

It may empower the Undertakers to levy and to recover Rates at such Works, and may provide for the Application of the Monies accruing from the Rates to be levied, and (where requisite) may provide for the due Audit of the Accounts of Receipt and Expenditure at such Works:

It may empower the Undertakers for the Purposes of such Works to borrow on Mortgage or Bond, at a maximum Rate of Interest to be therein specified, upon Security of the Rates, to an Extent limited by the Order, with Provisions for Payment of Interest and Repayment of Principal:

It may incorporate by Reference "The Commissioners Clauses Act (1847)," "The Companies Clauses Act (1845)," "The Companies Clauses (*Scotland*) Act (1845)," "The Harbour, Docks, and Piers Clauses Act (1847)," "The Lands Clauses Consolidation Act (1845)," "The Lands Clauses Consolidation (*Scotland*) Act (1845)," or any Part of such Acts, except so much of the said Two last-mentioned Acts as relates to the Purchase of Land otherwise than by Agreement; the Expression the "Special Act" used in such incorporated Acts shall be deemed to apply to such Provisional Order.

Order to be deposited with Clerk of the Peace.

XVI. After the making of any Order under this Act, the Promoters shall deposit a Copy of the same at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County,

County, District, or Division in *Scotland*, in which the proposed Works referred to in such Order may be situate; and Notice of such Deposit shall be given by Advertisement once in the *London*, *Edinburgh*, or *Dublin* Gazette, and in some Newspaper circulated in the County as aforesaid; and after it shall have been certified to the Board of Trade by the Promoters that such Deposit and Advertisement as last aforesaid have been made, and that Fourteen Days have elapsed from the Date of such Advertisement, the Board of Trade shall, within Three Calendar Months from the Beginning of the Session of Parliament in any Year, cause a Bill to be introduced into either House of Parliament for the Purpose of obtaining an Act for the Confirmation of such Order, and the Order to be confirmed shall be specified in a Schedule to the Bill introduced for confirming the same, and shall be set out at Length therein, and until such Confirmation no Provisional Order shall be of any Validity or Force whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

Notice of Deposit by Advertisement.

Board of Trade to obtain Confirmation of Provisional Order by Parliament.

XVII. In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Where Petition presented against an Order, Bill confirming same may be referred to Select Committee.

XVIII. All Orders, Notices, Consents, Approvals, and other Acts of the Board of Trade or of the Lords of the Admiralty in execution of this Act shall be in Writing or in Print, or partly in Writing and partly in Print, and shall be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or by the Secretary of the Admiralty for the Time being, as the Case may be.

Orders, &c. to be signed by One of the Secretaries, &c. of Board of Trade, or by Secretary of the Admiralty.

XIX. The Board of Trade shall make and lay before both Houses of Parliament in the Month of *February* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Week after the next Meeting thereof, a general Report of their Proceedings under this Act, stating the several Cases in which Applications have been made to them under the Provisions of this Act, and the Board of Trade may from Time to Time make and lay before Parliament such special Reports in relation to all or any of the Matters aforesaid as they may think fit.

Board of Trade to report to Parliament.

XX. It shall be lawful for the Promoters of any Harbour constructed under the Provisions of this or any other Act, whether Local or otherwise, to make, and for Her Majesty's Principal Secretary of State for the War Department to accept, a

Power to Secretary of State for War to take and hold Land,

&c., for Batteries, &c.

a Grant either in Fee or for a Term of Years not less than Nine hundred and ninety-nine Years of any Lands, Tenements, and Hereditaments proper for Sites for Batteries or Fortifications, not exceeding in Quantity in any One Place what may be sufficient for building and erecting thereon a Battery or Fortification for the Protection of such Harbour, and for making a proper or sufficient Access or Approach thereto, and to enter into any Covenant or Stipulation with the said Principal Secretary of State and his Successors not to build or do any Act prejudicial to the said Batteries or Fortifications on the Land adjacent to the Sites so granted as aforesaid, within the Line of Fire from such Batteries or Fortifications to be erected thereon, and which Sites when conveyed as aforesaid shall be held by the said Principal Secretary and his Successors on behalf of Her Majesty.

CAP. XLVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.—[1*st* August 1861.] (England.)

CAP. XLVII.

An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes.—[1*st* August 1861.]

WHEREAS it is expedient that Provision should be made for the Construction and Improvement of Harbours by authorizing Loans from the Public Funds to Harbour Authorities, and that Provision should also be made for the Abolition of Passing Tolls, of Tolls levied on Shipping for the Purpose of Charities, of Differential Dues on Foreign Shipping, and of Compensation payable in respect thereof out of the Public Monies; and for making Arrangements for the Preservation of the Rights of Creditors and for other Purposes: Be it enacted by the

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title. I. This Act may be cited for all Purposes as "The Harbours and Passing Tolls, &c. Act, 1861."

Interpretation of Terms: II. In the Construction of this Act the following Expressions shall have the Meanings hereby assigned to them, unless such Meanings are inconsistent with the Context; that is to say,

"Board of Trade:" The Expression "Board of Trade" shall mean the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Harbour:" The Word "Harbour" shall include Harbours properly so called, whether natural or artificial, Estuaries, navigable Rivers, Piers, Jetties, and other Works in or at which Ships can obtain Shelter, or ship and unship Goods or Passengers:

"Harbour Authority:" "Harbour Authority" shall include all Persons, or Bodies of Persons, corporate or unincorporate, being Proprietors of or intrusted with the Duty of constructing, improving, managing, maintaining, or lighting any Harbour:

"Limited Estate:" The Expression "Limited Estate" shall mean the Estate of any Person entitled under any Settlement at Law or in Equity for his own Benefit to the Possession or Receipt of the Rents and Profits of Land of any Tenure for the Term of his own Life or of the Life of any other Person, whether such Land is or is not subject to Incumbrances:

"Settlement:" The Word "Settlement" shall include any Act of Parliament, Will, Deed, or other Assurance whereby particular Estates or particular Interests in Land are created with Remainders or Interests expectant thereon, and any Deed of Entail; and every Estate and Interest created by Appointment made in the Exercise of any Power contained in any Settlement or derived from any Settlement shall be considered as having been created by the same Settlement; and an Estate or Interest, by way of resulting Use or Trust to or for the Settlor, or his Heirs, Executors, or Administrators, shall be deemed to be an Estate or Interest under the same Settlement:

"Pilotage Authority:" "Pilotage Authority" shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

"Shipping Purposes:" The Expression "Shipping Purposes" shall include the constructing or doing any Work or Thing that conduces to the Safety or Convenience of Ships, or that facilitates the shipping or unshipping of Goods, and the Management and superintending the same, and shall also include the Maintenance of any Lifeboat or other Means of preserving Life in case of Shipwreck:

"Differential Dues." The Expression "Differential Dues" shall include any Dues, Rates, or Taxes levied on Foreign Ships, or on Goods carried in Foreign Ships, which are not levied under like Circumstances on *British* Ships or on Goods carried in *British* Ships; and shall also include any Excess of Dues, Rates, or Taxes levied on Foreign Ships, or on Goods carried in Foreign Ships, over the Dues or Taxes levied under like Circumstances on *British* Ships or on Goods carried in *British* Ships; excepting always such Duties as the Commissioners of Customs may be empowered to levy for the Use of Her Majesty under any Act of Parliament in the Events therein mentioned.

Part I.—Loans to Harbours.

Advances of Money to Harbour Authorities. III. The Public Works Loan Commissioners, as defined by the Act of the Nineteenth Year of the Reign of Her present Majesty, Chapter Seventeen, may, out of the Funds for the Time being at their Disposal or provided by Parliament for the Purpose, advance to any Harbour Authority, for the Purpose of constructing, improving, maintaining, or lighting any public Harbour, or for carrying into effect any other Shipping Purpose, such Sum or Sums of Money as may be required, subject to the following Regulations:

(1.) No Harbour Authority shall borrow any Money from the said Commissioners under this Act without the Approval of the Board of Trade, in Writing, signed by One of their Secretaries or Assistant Secretaries:

(2.) When the aggregate Amount of Principal Monies due to the said Commissioners from any One Harbour Authority in pursuance of this Act does not exceed One hundred thousand Pounds, the Interest payable in respect thereof shall be at the Rate of Three Pounds Five Shillings *per Annum* on each Hundred Pounds; but when such aggregate Amount exceeds One hundred thousand Pounds, the Interest payable in respect of One hundred thousand Pounds shall be at the Rate aforesaid, and the Interest payable in respect of the Excess shall be at such higher Rate as the said Commissioners

missioners may determine, not exceeding Five Pounds *per Annum* on each Hundred Pounds:

(3.) The Period for Repayment of any Sums advanced shall not exceed Fifty Years:

(4.) The Repayment of any Advances and of the Interest thereon shall be secured upon all or any of the Rates leviable by the Harbour Authority to whom such Advances are made, either alone, or together with such other Property or Income as may be agreed on, and it shall not be incumbent on the Public Works Loan Commissioners to require any other Security:

(5.) Any Harbour Authority which has for the Time being Power to levy Rates and Tolls immediately or prospectively, or is or may be entitled to any other Income or Property applicable to Shipping Purposes, shall have Power to borrow Money from the said Commissioners under this Act on the Security of the said Rates, Tolls, Income, and Property, or any Part thereof, and to charge the same accordingly:

(6.) For the Purposes of Loans made to any Public Harbour Authority under this Act the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except so far as the same may be inconsistent with the Clauses and Provisions of the said Public Works Loan Act and the Acts therein mentioned, shall be incorporated with this Act; and in the Construction of this Act, and of the said incorporated Clauses, this Act shall be deemed to be the Special Act, and the Harbour Authority to which an Advance is made shall be deemed to be the Commissioners:

(7.) No Harbour Authority, being the Proprietor of any private Harbour, shall borrow any Money from the said Commissioners under this Act unless such Regulations are made in respect of the Rates to be taken in such Harbour, and the User thereof by the Public, as the Board of Trade may approve; and for the Purpose of making and enforcing such Regulations, it shall be lawful for Her Majesty, by Order in Council, to declare that "The Harbours, Docks, and Piers Clauses Act, 1847," shall apply to such Harbour, and to fix a Schedule of Rates not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," to be taken in the said Harbour; and thereupon the said Harbours Clauses Act, with the Exception of such Clauses as may be excepted in the said Order, shall

shall apply to the said Harbour in the same Manner as if it had been declared to apply thereto by Act of Parliament: And in the Construction of this Act and of the said incorporated Act this Act shall be deemed to be the Special Act; and the Expression "the Undertaker" shall be deemed to mean the Proprietor of the said Harbour, and the "Rates" shall be deemed to be such Rates as may be sanctioned by the said Order in Council:

(8.) Where any Harbour Authority, being the Proprietor of any Harbour, is entitled to a "limited Estate" therein, he shall have Power to make the Repayment of any Monies borrowed by him under this Act, with the Interest, a Charge on his limited Estate in the said Harbour, and on the Estate and Interest of every Person taking under the same Settlement any Estate or Interest in such Harbour in defeasance or expectancy or by Destination on the Determination of the said limited Estate, but it shall be subject to all Incumbrances on the Harbour subsisting at the Time of the Charge:

(9.) No Advance or Part of any Advance shall be made in pursuance of this Act to any Person entitled to a limited Estate so as to charge the Estate or Interest of any Person taking in defeasance or expectancy or by Destination, except to an Amount to be specified in Certificates to be from Time to Time issued under the Hand of One of the Secretaries or Assistant Secretaries of the Board of Trade; and no such Certificate shall be issued until it has been proved to the Satisfaction of the Board of Trade, that the Amount specified in the Certificate has been properly expended upon the said Harbour.

Part II.—Abolition of Passing Tolls.

Abolition of Passing Tolls.

IV. From and after the First Day of *January* One thousand eight hundred and sixty-two all Tolls and Rates ordinarily known by the Name of Passing Tolls, leviable in respect of any Harbours on Ships which pass but do not enter such Harbours, or on Goods carried in any such Ships, shall cease to be levied.

Indemnity to Creditors on Passing Tolls.

V. If on the First Day of *January* One thousand eight hundred and sixty-two any Debts legally incurred before the Fifteenth Day of *March* One thousand eight hundred and sixty-one remain charged on the Passing Tolls hereby abolished, then, subject to the special Provisions herein-after contained, the Creditors to whom such Debts are due shall be indemnified out

out of the Consolidated Fund and the growing Produce thereof for any Loss they may sustain by reason of such Abolition; but any Income or other Property that may be charged with the said Debts in common with such Tolls shall (except in the Case of Debts legally charged upon the Tolls or Revenues of the Harbours of *Whitby* and *Bridlington* previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one) be liable to make good any Payments made in pursuance of this Act for the Indemnity of the Creditors.

Part III.—Abolition of Dues levied by Charitable Corporations.

Abolition of Dues leviable by Charitable Authorities.

VI. All Rates, Dues, Duties, and Imposts (herein-after included in the Term Shipping Dues) leviable by any of the Charitable Authorities named in the First Schedule annexed hereto on Ships, or on Goods carried in Ships, shall, except so far as the same may be required for the Execution of such Shipping Purposes as have hitherto been executed by means of the said Dues, cease to be levied on and after the First Day of *January* One thousand eight hundred and seventy-two.

Dues levied for Shipping Purposes on Ships or Goods which derive no Benefit.

VII. Whenever any of the said Shipping Dues leviable by any of the said Authorities named in the First Schedule are applicable to Shipping Purposes, but such Shipping Purposes are not for the Benefit of Ships or Goods carried therein at the Port or Place at which such Dues are levied, such Dues shall cease to be levied on and after the First Day of *January* One thousand eight hundred and seventy-two.

Provision for Payment of Pensions granted before 15th March 1861, and for Application of Surplus.

VIII. During the Period prior to the said First Day of *January* One thousand eight hundred and seventy-two, the Shipping Dues levied by each of the Authorities named in the said First Schedule, including the Compensation for Differential Dues herein-after mentioned, shall, subject to the Execution of any Shipping Purposes to which the same or any Part thereof may be applicable, be applied in Payment of any Pensions which have been lawfully granted, or in which a vested Interest, absolute or contingent, has been lawfully created before the Fifteenth Day of *March* One thousand eight hundred and sixty-one; and any Surplus arising from the said Dues during the said Period, after providing for the said Shipping Purposes, and Payment of the said Pensions for the Time being, and such Payments for Charitable or other Purposes as have heretofore ordinarily been made by the said Authority out of the said Dues, shall, with the Interest thereon, after the Termination of the said Period, be applied in Payment of such, if any, of the said Pensions as have not then ceased; and subject to such Payment,

Payment, the said Surplus shall become Part of the Charitable Funds of the said Authority, and shall be held and administered by them upon the same Trusts and for the same Purposes upon and for which the said Dues would have been held and applied if this Act had not passed: If at any Time after the Expiration of the said Period it is made to appear to Her Majesty in Council that any of the said Pensions are still in existence, and that after duly accounting for the Surplus aforesaid, the Authority by which such Pensions were granted is unable, either out of the said Surplus or out of their other Funds applicable to Charitable Purposes to pay the said Pensions, it shall be lawful for Her Majesty from Time to Time, by Order in Council, to declare that the Shipping Dues theretofore levied by the said Authority shall continue for such Time and to such Extent as may by such Order be declared to be necessary for Payment of the said Pensions; and thereupon the said Shipping Dues shall continue to be leviable according to the Terms of such Order: Provided that nothing in this Act contained shall enable any of the said Authorities to apply any Part of the said Dues to any Purposes to which they could not lawfully have applied the same if this Act had not passed.

List of Pensions to be made out and sent to Board of Trade.

IX. Each of the said Authorities shall, as soon as they conveniently can after the passing of this Act, make out and send to the Board of Trade a List of all Pensions to be paid by them which have been granted, or in which a vested Interest has been created, before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, accompanied by such Vouchers and Explanations as the Board of Trade may require; and each of the said Authorities shall, as early as possible, in every Year during the said Period of Ten Years, publish in some local Newspaper a Statement of their gross Receipts from the said Shipping Dues, and of the Manner in which the same have been expended or applied in the preceding Year.

Part IV.—Abolition of Differential Dues, and Compensation therefor.

Abolition of Differential Dues.

X. All Differential Dues shall cease and be abolished on and after the First Day of *January* One thousand eight hundred and sixty-two.

Compensation for Differential Dues, when to cease.

XI. All Payments which would but for such Abolition have been made out of Public Monies by way of Compensation for Differential Dues, under the Authority of the Acts enumerated in the Second Schedule hereto annexed, or of any other Act or Acts relating to such Dues, shall continue until the First Day of

of *January* One thousand eight hundred and seventy-two, and shall then cease.

Compensation, whilst continued, to be limited.

XII. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one the Compensation for Differential Dues paid to any Corporation, Body of Persons, or Person in any One Year shall be the Amount paid to such Corporation, Body, or Person in the Year One thousand eight hundred and sixty; and the Commissioners of Her Majesty's Treasury may cause the said Compensation to be paid to the said Corporations, Bodies, or Persons, without requiring them to transmit their Claims to the *Trinity House of Deptford Strond* for Examination.

Commutation of Compensation.

XIII. The Commissioners of Her Majesty's Treasury may at any Time, on giving Three Months Notice of their Intention so to do, commute annual Payments by way of Compensation for Differential Dues, by paying to the Parties entitled thereto a gross Sum, equal to such Number of Years Purchase as may for the Time being remain unexpired of the Period for which the said Payments are to continue, after deducting Interest on the anticipated Payments at the Rate of Four *per Cent.*

Indemnity to Public Authorities.

XIV. All such Harbour and Pilotage Authorities and other Bodies Corporate, Bodies of Persons, and Persons as have heretofore applied to Shipping Purposes or to other public Purposes, Compensation paid to them for Differential Dues, or as have contracted Debts for such Purposes, may, from and after such Time as such Compensation ceases to be paid to them, with the Consent of Her Majesty in Council, indemnify themselves for the Loss thereof by raising any Rates which they have Power to levy, to such an Amount as will produce a Sum that will enable them to perform such Services, subject to this Proviso, that no Rates or Dues of any Kind shall in pursuance of the Power hereby given be made payable in respect of any Foreign Ship, or Goods carried in any Foreign Ship, over and above the Rates and Dues made payable under like Circumstances in respect of *British* Ships and the Goods carried in *British* Ships.

Power to recover increased Dues.

XV. In the event of any Increase of Taxes or Rates being sanctioned by Her Majesty in Council, the Body Corporate, Persons, or Body of Persons empowered to increase the same shall, notwithstanding any Act of Parliament, Charter, or Usage to the contrary, have the same Powers and Remedies for levying such increased Taxes or Rates as they had for levying the same Taxes or Rates previously to such Increase.

Saving of Rights of Creditors.

XVI. Nothing herein contained shall prejudice or affect the Right of any Creditor who may have advanced Monies either wholly

wholly or partially on the Security of any Differential Dues, or of any Payments out of the Public Monies made by way of Compensation for Differential Dues; but if the Commissioners of Her Majesty's Treasury make any Payment to such Creditor in respect of such Compensation the Sum so paid shall be deemed to be a Debt due to the Crown from the Persons or Body to whom the Creditor made the Advance in respect of which the Payment is made, and shall be recoverable accordingly.

PART V.—POWER TO TOWN CORPORATIONS, &C. TO TRANSFER SHIPPING DUES TO HARBOUR AUTHORITIES.

Power to transfer Dues.

XVII. Any Body Corporate or Person having Power to levy Shipping Dues may, with the Consent of Her Majesty in Council, by Deed transfer, upon such Terms as they or he think fit, all or any Portion of the Shipping Dues leviable by them or him to any Authority entrusted with the Duty of constructing, maintaining, or improving any public Harbour within which such Dues or any Portion thereof may be levied; and the Transferees of such Dues shall be possessed of all the Rights and Privileges in respect of such Dues of which the Transferors were possessed previously to such Transfer, and shall apply the said Dues to Shipping Purposes within the said Harbour.

Notice of intended Transfer to be given.

XVIII. Previously to making any such Transfer as aforesaid, the Parties proposing to make the same, herein-after called the Transferors, shall give Notice of the Terms on which it is proposed to be made, by publishing such Terms twice at least in some local Newspaper or Newspapers, or by issuing Advertisements naming a Time and Place at which a Copy of the proposed Terms may be inspected: and it shall be lawful for any Persons or Body of Persons interested in the Matter, to lay before them in Writing such Objections or Observations with reference thereto as they think expedient, and it shall be the Duty of the Transferors and of the said Harbour Authority to take the same into consideration and to make such Modifications in or Additions to the said Terms (if any) as they may think fit to adopt, and it shall likewise be their Duty, in applying for the Consent of Her Majesty in Council, to forward all such Objections and Observations, with their Answer thereto for the Consideration of Her Majesty in Council.

Evidence of Transfer.

XIX. Upon the Completion of the Transfer, a Copy of the Order in Council approving of the Transfer, accompanied with a Copy of the Instrument of Transfer, shall be published in the *London Gazette*; and the Production of the *London Gazette* containing

containing such Copy shall be Evidence that the said Transfer has been effected.

Power to borrow Money in order to effect such Transfer.

XX. Every Harbour Authority may from Time to Time borrow at Interest, on the Security of any Property belonging to them, or of any Rate or Rates which they have Power to levy, any Sum or Sums they may require for procuring any such Transfer as aforesaid to be made to them; and for the Purposes of such borrowing, the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners (except the Clause numbered 84.) shall be incorporated with this Act. The said Transferors shall hold and apply all Monies paid to them by way of Consideration for any such Transfer as aforesaid upon the same Trusts, if any, and for the same Purposes, upon and for which the said Shipping Dues, if not so transferred, would have been held and applied.

Part VI.—Abolition of Special Taxes at Dublin.

Abolition of Special Taxes at Dublin.

XXI. All Taxes on Ships, or Goods carried in Ships, leviable within the Port of *Dublin*, which are mentioned in the Third Schedule hereto, shall cease to be levied on and after the First Day of *January* One thousand eight hundred and sixty-two.

Part VII.—Maintenance of Ramsgate, Dover, Whitby, and Bridlington Harbours.

Ramsgate Harbour.

Transfer of Ramsgate Harbour to Board of Trade.

XXII. On and after the First Day of *January* One thousand eight hundred and sixty-two the Harbour of *Ramsgate* and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Leases, Contracts, Charges, or other Liabilities affecting the same, shall be transferred to and are hereby vested in the Board of Trade.

Transfer of Powers to Board of Trade.

XXIII. All Powers, Rights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Ramsgate*, or the property belonging thereto, which may by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Trustees of *Ramsgate* Harbour, shall be transferred to and are hereby vested in the Board of Trade.

 XXIV. All

Debts, &c. of Trustees enforceable against Board of Trade.

XXIV. All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Trustees of *Ramsgate* Harbour, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board of Trade, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board of Trade, and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Non-performance thereof, shall be enforceable by or against the Board of Trade, to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Trustees of *Ramsgate* Harbour.

Accounts of Trustees of Ramsgate Harbour to be made up.

XXV. The Accounts for the Trustees of *Ramsgate* Harbour for the Period antecedent to the said Transfer shall be finally made up, and shall be audited, settled, allowed, approved, and transmitted to the Honourable the House of Commons, as required by the Acts relating to the Harbour; and thenceforth the Trustees and all Persons who at any Time shall have been Trustees of the Harbour, and their respective Representatives, shall be freed from all Liabilities whatsoever, under or by virtue of the Acts relating to the Harbour or any of them.

Indemnification of Trustees of Ramsgate Harbour.

XXVI. The Board of Trade shall out of the *Ramsgate* Harbour Fund indemnify the Trustees of *Ramsgate* Harbour and their respective Representatives from all Liabilities not arising from their own personal wrongful Act or Default, to which the Trustees at the Time of this Act coming into operation are or but for this Act would become subject.

Rates to be taken in Ramsgate Harbour.

XXVII. On and after the First Day of *January* One thousand eight hundred and sixty-two the Board of Trade may, for the Purpose of maintaining and improving the Harbour of *Ramsgate*, in lieu of the Rates heretofore levied, impose and levy Rates on Vessels entering and using the said Harbour, and on Goods shipped or unshipped in the said Harbour, not exceeding the Rates specified in the Schedule (A.) annexed to "The Burgh Harbours (*Scotland*) Act, 1853," with the Exceptions and Modifications herein-after mentioned; that is to say,

(1.) In the Case of any Vessel carrying Passengers the Board of Trade may, instead of levying a Tonnage Rate on the Vessel, levy on every Passenger embarking from or landing on the Pier or Piers of the said Harbour on or from the said Vessel, a Rate not exceeding Threepence, to be paid if demanded before the Passenger is allowed to embark or land:

(2.) On every Ton of Coal, Coke, or Culm shipped or unshipped

shipped in the said Harbour, the Board of Trade may levy a Rate not exceeding Sixpence:

(3.) Whenever any Vessel enters the Harbour in distress, and for the Purpose of repairing the said Vessel any Goods are unshipped therefrom, and the Rates upon the Unshipment of such Goods are duly paid, then if such Goods are afterwards re-shipped in the said Harbour without any Change in the ownership thereof having taken place, no further Rates shall be leviable upon the said Goods in respect of such Reshipment:

(4.) No Rates shall be levied on Fishing Boats belonging to *Ramsgate:*

(5.) No Rate shall be levied on Vessels using the said Harbour solely as a Harbour of Refuge, and remaining therein not more than Sixty Hours:

And the Board of Trade may from Time to Time vary such Rates by reducing or raising the same, so that they do not exceed the Rates herein-before authorized.

Board of Trade to receive Per-centage on Salvage.

XXVIII. On and after the First Day of *January* One thousand eight hundred and sixty-two, the Board of Trade shall be entitled to receive a Per-centage of Five Pounds in the Hundred on all Salvage paid or liable to be paid in respect of any Ship or Boat, or Cargo or Apparel of any Ship or Boat, or any Wreck or other Property, which may be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the Board of Trade before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

Gross Sum of £2000 to be paid to Mayor, &c. of Sandwich in lieu of annual Payment of £200.

XXIX. From and after the First Day of *January* One thousand eight hundred and sixty-two, the Sum of Two hundred Pounds a Year heretofore paid to the Mayor, Aldermen, and Burgesses of *Sandwich* out of the Revenues of the Harbour of *Ramsgate* shall cease, and in lieu thereof there shall be paid to them, on or before that Day, by the Board of Trade, out of the *Ramsgate* Harbour Fund herein-after mentioned, a single sum of Two thousand Pounds.

Application of the said Sum of £2000.

XXX. The said Mayor, Aldermen, and Burgesses shall apply the said Sum of Two thousand Pounds in Payment or Part Payment of any Debts lawfully charged on the said annual Sum of Two hundred Pounds, heretofore paid to them either alone or in common with other Property or Income of the said Mayor, Aldermen, and Burgesses; and the Remainder, if any, of such Debts, shall be paid by the said Mayor, Aldermen, and Burgesses out of any Rate or Rates they may have Power to levy in respect of the Harbour of *Sandwich;* and the said Mayor, Aldermen, and Burgesses may, notwithstanding

ing any Prohibition contained in any Act of Parliament as to the maximum Amount of such Rate or Rates, raise the same to such Amount as may be necessary for satisfying such Debts as aforesaid.

Income of Ramsgate Harbour to be carried to Ramsgate Harbour Account.

XXXI. All Money and Income received by the Board of Trade in pursuance of this Act shall be carried to a separate Account, entitled "The *Ramsgate* Harbour Fund Account," and, subject to any other Charges specified in this Act, the same shall be applied to the Management, Maintenance, and Improvement of the said Harbour.

Ramsgate Harbour Accounts to be rendered to the Treasury and signed by Accountant of Board of Trade.

XXXII. The Board of Trade shall, whilst *Ramsgate* Harbour remains in their Hands, render to the Commissioners of Her Majesty's Treasury periodical Accounts of the whole of the Receipts and Expenditure in respect thereof, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose, and the said Commissioners shall cause the same to be examined and audited in such Manner as they think fit.

Such Accounts to be laid before Parliament.

XXXIII. The Board of Trade shall, as soon as practicable after the Meeting of Parliament in every Year, cause the Accounts of *Ramsgate* Harbour for the preceding Year to be laid before both Houses of Parliament.

Board of Trade may continue Ramsgate Harbour Superannuation Fund or wind up the same.

XXXIV. Whereas the Trustees of *Ramsgate* Harbour have established a Benefit or Superannuation Fund for Persons employed by them at weekly Wages, by means of Contributions from the Workmen, and of Sums added out of the Revenues of the Harbour: And whereas there is a considerable Capital now standing to the Credit of the said Fund: Be it enacted, That the Board of Trade shall either continue the said Benefit or Superannuation Fund in accordance with the Regulations now in force with respect to the same, or such other Regulations as may from Time to Time be approved by them, or shall wind up the said Fund in such a Manner that every Pension granted by the Trustees before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or granted by them after that Day and allowed by the Board of Trade, shall be fully paid, and that every Contributor not in receipt of a Pension granted before such Time as aforesaid shall be repaid the Amount he has contributed, with Interest at Three *per Centum per Annum*: In case the said Fund is wound up, the Capital of the said Fund now in the Hands of the Trustees shall be employed in satisfying its Liabilities; if the said Capital is insufficient for the Purpose, the Deficiency shall be made up out of the *Ramsgate* Harbour Fund, but if the said Capital is more than sufficient for the Purpose, any Surplus shall be carried to the Credit of the last-mentioned Fund.

XXXV. The

XXXV. The Board of Trade shall allow Compensation or Superannuation Allowance to any Person in the Employ of the Trustees of *Ramsgate* Harbour not having Claims on the Benefit or Superannuation Fund herein-before mentioned, whose Salary or Emoluments are by reason of the passing of this Act abolished or made less than they were before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or who being continued in the Employ of the Board of Trade afterwards retires from the Service, so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service, and so that no such Compensation or Superannuation Allowance shall be granted except in the Cases and upon the Conditions in and upon which the same would or might be granted if such Persons had been employed in the Public Civil Service; and any Compensation or Superannuation Allowance so allowed shall be paid out of the *Ramsgate* Harbour Fund.

Board of Trade may allow Compensation to Persons deprived of Offices.

XXXVI. If at any Time whilst the Harbour of *Ramsgate* is vested in the Board of Trade, the Income and Revenue applicable to the Purposes of managing, maintaining, and improving the said Harbour of *Ramsgate* are insufficient for such Purposes, or for the other Purposes to which the said *Ramsgate* Harbour Fund is applicable, it shall be lawful for the Commissioners of Her Majesty's Treasury to advance such Sums as may be requisite for the said Purposes out of Monies to be provided for the Purpose by Parliament.

Deficiency of Income to be supplied by Monies voted by Parliament.

XXXVII. The Harbour of Ramsgate shall not be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses; and *Ramsgate* Harbour, and all Property and Income vested in or belonging to the Board of Trade in respect of the said Harbour, and all Premises or Property used or applied by the Board of Trade for the Purpose of the said Harbour, and all Instruments or Writings used by the Board of Trade in respect of the said Harbour, shall be exempted from all public Taxes and Duties of every Kind; save only that Parochial or other local Rates shall still be payable on those Parts of the said Property at *Ramsgate* on which they have heretofore been paid.

Harbour to be free from Rates.

XXXVIII. No Dues shall be levied by the Commissioners for paving, lighting, watching, and improving the Town of *Ramsgate* on Coal, Culm, and Coke imported, landed, or shipped within the Parish or Harbour of *Ramsgate* in the following Cases; that is to say,

Town Dues on Coal not to be levied in certain Cases.

(1.) When the same are wholly and in good Faith consumed in

in and for the Purposes of the said Harbour or in Vessels lying in the said Harbour:

(2.) When the same are wholly and in good Faith consumed by the Engines or on the Premises of any Railway Company having Access by means of a continuous Line of Railway or Tramway to the said Harbour:

(3.) When the same are conveyed on any such Railway to and delivered from the same at any Place beyond the Parish of *Ramsgate*, and the adjoining Parish of *Saint Lawrence*, and are not thereafter delivered within either of those Parishes:

And if, in any of such Cases, Dues have in the first instance been paid to the said Commissioners, the Parties who have paid them shall be allowed a Drawback or Return thereof, to be paid by the said Commissioners out of any Funds under their Control; but if any Person fraudulently obtains or endeavours to obtain the said Drawback without being legally entitled to the same, he shall be liable for every such Offence to a Penalty not exceeding Fifty Shillings; and such Penalty may be recovered and shall be applied in the same Manner as Penalties are recovered and applied under the Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of* Ramsgate *in the County of* Kent, *and for regulating the Police thereof.*

1 & 2 Vict. c. lxx. (Local.)

Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

XXXIX. For the Purposes of *Ramsgate* Harbour, "The Harbours, Docks, and Piers Clauses Act, 1847," shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Rates and Monies hereby made leviable on account of the Harbour of *Ramsgate* shall be deemed to be "the Rates authorized to be levied by the Special Act;" and the Board of Trade shall be deemed to be "the Undertakers."

Certain Parts of Property of Trust to be within Ramsgate Police Jurisdiction.

XL. So much of the Sea Shore belonging to the Trustees of *Ramsgate* Harbour, and lying either to the Eastward or Westward of the said Harbour as is for the Time being used as a public Highway, or as lies between High and Low Water Mark, shall be deemed to be a public Highway within the Parish, so far and so far only as relates to any Offences committed thereon contrary to the Provisions of the said Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of* Ramsgate *in the County of* Kent, *and for regulating the Police thereof,* for which the Offenders would have been liable to Fine, Penalty, or Forfeiture in case the same Offences had been committed

1 & 2 Vict. c. lxx. (Local.)

on

on any other public Highway within the said Parish of *Ramsgate*.

Dover Harbour.

Harbour of Dover to be vested in a Board of Trustees to be called "The Dover Harbour Board."

XLI. From and after the passing of this Act, the Harbour of *Dover* and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of the Harbour of *Dover* in the County of *Kent*, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Liabilities affecting the same, shall be transferred to and vested in a Board of Trustees, to be called "the *Dover* Harbour Board," constituted as hereinafter mentioned; and the said *Dover* Harbour Board shall be a Body Corporate, with a perpetual Succession and a Common Seal, and having a Capacity to hold lands subject to the Provisions of this Act.

Rights of imposing Rates transferred to Dover Harbour Board.

XLII. All rights and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Dover*, or the Property belonging thereto, or to the said Warden and Assistants of *Dover* Harbour, which may, by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Warden and Assistants of *Dover* Harbour shall, on and after the passing of this Act, by force and virtue of this Act, be transferred to and vested in the said *Dover* Harbour Board.

Existing Debts, &c. enforceable by or against Board.

XLIII. All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Warden and Assistants of *Dover* Harbour, in respect of any Property, Powers, Rights, or Privileges transferred to the said *Dover* Harbour Board as aforesaid, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the *Dover* Harbour Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall, on and after the passing of this Act, be enforceable by or against the said *Dover* Harbour Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Warden and Assistants of *Dover* Harbour.

After 1st January 1862 Board may impose Rates for Harbour Purposes.

XLIV. After the First Day of *January* One thousand eight hundred and sixty-two the said *Dover* Harbour Board may, for the Purpose of maintaining and improving the said Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods landed or shipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to "The Burgh Harbours (*Scotland*) Act (1853)," and

and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates, leviable by the said Warden and Assistants, and which by this Act the said *Dover* Harbour Board are authorized, on and after the said First Day of *January* One thousand eight hundred and sixty-two, to levy as aforesaid.

Debts incurred prior to 15th March 1861, and secured on Passing Tolls, shall be paid by Board out of Rates.

XLV. Subject to the right of the Creditor as reserved by this Act, all Debts legally incurred previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one, and secured on the Passing Tolls levied in respect of *Dover* Harbour, either alone or in common with other Property, shall be paid by the said Harbour Board out of any Rates they may have power to levy, and out of any Real or Personal Property of which they may have become seised or possessed; and for the Purpose of paying such Debts, and the Permanent Improvement of the said Harbour, the said Harbour Board may sell the Real and Personal Property vested in them as aforesaid, or any Part thereof, and apply the Monies arising from such Sale accordingly.

Compensation to Officers not re-appointed by Board to Offices of equal Value.

XLVI. If any of the present Officers of the Warden and Assistants of *Dover* Harbour shall not be appointed by the said Harbour Board to the same Offices as those they now hold, or to others of an equal annual Value, then the said Harbour Board may, with the Consent of the Board of Trade, allow such Compensation or Superannuation Allowance as the said Harbour Board may think fit to any such Officer or Officers, but so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Twenty-second Year of the Reign of Her present Majesty, Chapter Twenty-six, or of any other Act for regulating such Compensation or Superannuation Allowance for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of the Revenue of the said Harbour Board.

Constitution of Dover Harbour Board.

XLVII. The said *Dover* Harbour Board shall consist of Seven Members, Four of whom shall form a Quorum; the said Seven Members shall be the Lord Warden for the Time being of the Cinque Ports, Two Burgesses of the Borough of *Dover* elected by the Town Council every Three Years, and to be eligible for Re-election, a Member to be from Time to Time appointed by the President of the Board of Trade for the Time being, a Member to be from Time to Time appointed by the First Lord of the Admiralty for the Time being, a Member to be

be from Time to Time appointed by the *South-eastern* Railway Company under their Common Seal, and a Member to be from Time to Time appointed by the *London, Chatham, and Dover* Railway Company, under their Common Seal: Provided, that in the event of either or both of the said Railway Companies failing or declining to appoint a Member of the said Harbour Board within One Calendar Month after having been required so to do by the President of the Board of Trade, then such President shall, from and after such Default, be entitled thereafter to appoint from Time to Time another Member or Members in lieu thereof, as the Case may be; and the said Lord Warden shall *ex officio* be Chairman of the said Harbour Board; and the said Lord Warden shall also from Time to Time nominate under his Hand One of the Members of the said Harbour Board to be his Deputy, to preside at all Meetings at which the said Lord Warden shall not be present; and in the event of an Equality of Votes at any Meeting of the said Board the Chairman of such Meeting shall be entitled to a Casting Vote in addition to his ordinary Vote.

Members of Board not to hold Places of Profit or be concerned in Contracts.

XLVIII. No Member of the said Harbour Board shall enjoy any Office or Place of Profit under this Act; and no such Member shall directly or indirectly by himself or his Partner have any Share or Interest in or be in any Manner concerned in any Contract or Bargain relating to any Works to be ordered, done, or executed under the Provisions of this Act or any other Act, or any Charter, relating to *Dover* Harbour, or in the Execution of any such Works, or in the supplying of any Materials for any such Works, or for the Use of the said Harbour or Board; and if any Member of the said Board shall disobey this Enactment, every such Member so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall, upon being convicted of any such Offence, become then and be for ever afterwards incapable of being or acting as a Member of the said Board; and no such Contract or Bargain as aforesaid, which any such offending Member has entered into contrary to the Intent of this Enactment shall be enforced against the said Board: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Member of the said Board previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be good, valid, and effectual.

Penalty for so offending.

Contracts and Bargains made contrary hereto to be void.

If the Debts are paid out of Public Monies, they may

XLIX. If at any Time any Debts hereby made payable by the said *Dover* Harbour Board are paid out of Monies provided by Parliament in pursuance of this Act, the Amount so paid shall be deemed to be a Debt due to the Crown from the said

be recovered as Debts due to the Crown.

said *Dover* Harbour Board, and shall be recoverable accordingly.

No new Debts to be incurred till existing Debts are discharged, without Treasury consent.

L. Until the Debts charged on the Revenues of *Dover* Harbour previously to the said Fifteenth Day of *March* One thousand eight hundred and sixty-one are discharged, it shall not be lawful for the *Dover* Harbour Board to charge the said Revenues or any Part thereof with any new Debt, or to undertake any new Works, without the Consent of the Commissioners of Her Majesty's Treasury.

Power to Corporation of Dover to transfer Dues to Harbour.

LI. The Mayor, Aldermen, and Burgesses of *Dover*, hereinafter called the Corporation, may at any Time hereafter, by Deed under their Common Seal, transfer to the said *Dover* Harbour Board, to be applied by them to the Purposes of the Harbour, all or any of their Powers, Rights, and Privileges, whether exercised by them in the Capacity of Corporation or of Local Board of Health, of levying Rates and Dues on Coal, Culm, and Coke imported, and of levying Rates and Dues on Ships or on Goods carried in Ships; and thereupon the said *Dover* Harbour Board may exercise the Powers, Rights, and Privileges so transferred in as full a Manner as but for such Transfer the said Corporation might have exercised the same.

Corporation and Harbour Board may apportion Debts as between themselves.

LII. The said Corporation and the said *Dover* Harbour Board may, on any such Transfer as aforesaid, enter into such Arrangements as they may think fit, for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

Reservation of Rights of Creditors.

LIII. Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said *Dover* Harbour Board, have the same Claim against the said Rates and Dues when transferred to the said *Dover* Harbour Board, and against the said *Dover* Harbour Board to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Corporation and against the said Corporation in respect thereof.

Whitby and Bridlington Harbours.

Debts on Harbours to be paid out of Consolidated Fund.

LIV. The Principal and Interest of all Debts which have previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one been legally charged on the Tolls or Revenues of the Harbours of *Whitby* or *Bridlington*, shall be chargeable

chargeable upon the Consolidated Fund of the United Kingdom, and shall be paid in such Manner as the Commissioners of Her Majesty's Treasury may direct; and the Debt payable to the Public Works Loan Commissioners charged upon the Tolls or Revenues of the Harbour of *Bridlington* shall cease from the First Day of *January* One thousand eight hundred and sixty-two.

Compensation to Servants of Whitby Trustees.

LV. The Commissioners of Her Majesty's Treasury may allow out of Monies to be voted by Parliament such Compensation or Superannuation Allowance as they may think fit to any Person in the Employ of the Trustees of *Whitby* Harbour who by reason of the passing of this Act is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service.

Trustees and Commissioners not to charge Passing Tolls with further Debts.

LVI. It shall not be lawful for the Trustees of *Whitby* Harbour or the Commissioners of *Bridlington* Harbour to charge the Passing Tolls levied by them with any new Debts; nor shall it be lawful for them, until the First Day of *January* One thousand eight hundred and sixty-two, to undertake any new Works without the Consent of the Commissioners of Her Majesty's Treasury.

Power to Trustees of Whitby Harbour to levy Rates.

LVII. The Trustees of *Whitby* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to "The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Trustees.

Power to Town Commissioners of Whitby to transfer Dues to Harbour.

LVIII. The Commissioners acting under the Act of the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Town of* Whitby *in the North Riding of the County of* York, may, if they shall think fit, at any Time hereafter, by Deed transfer to the said Trustees of *Whitby* Harbour, to be applied by them to the Purposes of the Harbour, all or any of the Powers, Rights, and Privileges which they may possess of levying Rates and Dues on Coal or other Articles imported, or of levying Rates and Dues on Ships or on Goods carried in Ships; and thereupon the said Trustees may exercise the Powers, Rights, and Privileges so transferred

ferred in as full a Manner as but for such Transfer the said Commissioners might have exercised the same.

Reservation of Rights of Creditors.

LIX. Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said Trustees of *Whitby* Harbour, have the same Claim against the said Rates and Dues when transferred, and against the said Trustees to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Commissioners, and against the said Commissioners in respect thereof.

Trustees and Commissioners may apportion Debt as between themselves.

LX. The said Trustees and Commissioners may, on every such Transfer as last aforesaid, enter into such arrangements as they may think fit for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

Vessels using Whitby Harbour to pay Toll for support of Tide Lights.

LXI. On and after the First Day of *January* One thousand eight hundred and sixty-two, all Vessels exceeding Ten Tons entering or leaving the Harbour of *Whitby* shall pay to the Trustees of *Whitby* Harbour such Sum or Toll, not exceeding One Penny *per* Ton, as such Trustees may from Time to Time direct to be paid to them, for the Support, Maintenance, and Improvement of the existing or any future Tide Lights at the Entrance of the Harbour: Provided always, that any Vessel which shall have paid such Toll on entering the Harbour may again leave the Harbour without further Payment of Toll.

Power to Commissioners of Bridlington Harbour to levy Rates.

LXII. The Commissioners of *Bridlington* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates specified in Schedule (A.) annexed to "The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Commissioners.

Incorporation of Harbours, Docks, and Piers Clauses Act.

LXIII. For the Purpose of the Rates to be taken at the Harbours of *Dover*, *Whitby*, and *Bridlington*, so much of "The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the Collection and Recovery of Rates, shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Rates and Monies hereby made leviable on account of the said

said Harbours shall be deemed to be "the Rates authorized to "be levied by the Special Act;" and each of the Authorities hereby authorized to levy such Rates shall be deemed to be "the Undertakers."

Part VIII.—Miscellaneous.

Nothing in 22 & 23 Vict. c. 29. deemed to revive Taxes, &c. which, but for 9 & 10 Vict. c. cccxlvi., would have been payable to Marine Society.

LXIV. Whereas by the Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, Local and Personal, a Tax of Two Shillings was made payable to the Marine Society by certain Fishing Vessels passing the *Nore*, and the said Fishing Vessels were exempted from all other Claims, Dues, and Customs: And whereas by the Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-nine, the said Provisions of the Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, were repealed: And whereas Doubts are entertained whether such Repeal may not have revived other Taxes formerly payable by Fishing Vessels to the said Marine Society, and it is expedient that such Doubts be removed: Be it enacted, That nothing in the said Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-nine, shall be deemed to have revived any Taxes or Rates which, but for the said Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, would have been payable to the said Marine Society.

Title of Board of Trade.

LXV. The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations may be described in all Acts of Parliament, Deeds, Contracts, and other Instruments, by the official Title of "the Board of Trade" without expressing their Names, and all Acts of Parliament, Contracts, Deeds, and other Instruments wherein they are so described shall be as valid as if the said Lords or any of them had been named therein.

Vesting of Property in Board of Trade.

LXVI. All Lands and Hereditaments heretofore purchased or taken by or in the Name or Names of any Person or Persons, for the Use of the Department of the Board of Trade, and all Lands and Hereditaments hereby transferred to and vested in the Board of Trade, and all Lands and Hereditaments that may hereafter be conveyed to the Board of Trade, or to any other Person or Persons for the Use of the Department of the Board of Trade, shall, upon and after the passing of this Act, vest in the Persons for the Time being constituting the Board of Trade, and upon their vacating their Offices shall be transferred to and vested in their Successors in Office, in a perpetual Succession, and shall be held by such Persons and their Successors in Office on trust for Her Majesty, Her Heirs and Successors, for the Public Service.

LXVII. Any Deed, Contract, or other Instrument to be executed

Execution of Instruments.

executed by or on behalf of the Board of Trade shall be valid if under the Seal of the Board of Trade and signed by the President or Vice President thereof, or signed, if there be no President or Vice President, by any One of Her Majesty's Principal Secretaries of State.

Disposition of Monies arising from Sale.

LXVIII. The Monies to arise by any Sale of Land made by the Board of Trade shall be paid to such Persons as the said Board appoint, and a Receipt signed by the President or Vice-President of the said Board, or, if there be no such Officers, by any One of Her Majesty's Principal Secretaries of State, shall be an effectual Discharge to the Purchaser.

Power of Board of Trade to purchase Lands.

LXIX. The Board of Trade may purchase any Lands they may require for the Public Service; and for the Purposes of such Purchase the Clauses of "The Lands Clauses Consolidation Act, 1845," and of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of any Act amending the same, with the Exception of such Clauses of the said Acts as relate to the Purchase of Lands otherwise than by Agreement, and to Access to the Special Act, shall be incorporated with this Act.

FIRST SCHEDULE.

Name of Authority.

The Trinity House of Kingston-upon-Hull.
The Trinity House of Newcastle-on-Tyne.
The Fraternity of Hostmen of Newcastle-on-Tyne.
The Society of Keelmen on the River Tyne.
The Trinity Corporation of Leith.
The Guildry Incorporation of Perth.
The Fraternity of the Masters and Seamen of Dundee.

SECOND SCHEDULE.

Statutes referring to Differential Dues.

Year and Chapter.	Title of Act.	Sections.
59 Geo. 3. c. 54.	An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.	Section 9.
8 & 9 Vict. c. 90.	An Act for granting Duties of Customs.	Sections 9, 10, 11, & 12.
20 & 21 Vict. c. 62.	An Act for the Alteration and Amendment of the Laws and Duties of Customs.	Section 17.

THIRD SCHEDULE.

Special Taxes at Dublin.

Name of Tax.	Act under which levied.
Duty on Vessels of Twopence per Ton .	45 G. 3. c. 18. (Schedule D.)
Two Shillings and Sixpence upon every Entry Inwards made in the Port of Dublin.	
Two Shillings and Sixpence upon every Entry Outwards made in the Port of Dublin.	
Duties leviable in respect of the several Persons and Matters specified in the Schedule to the Act mentioned in the next Column.	56 G. 3. c. 62.

CAP. XLVIII.

An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) *Act* (1860).—[1*st* August 1861.]

CAP. XLIX.

An Act to enable Justices in Ireland *to commit to local Bridewells Persons convicted of Drunkenness.*—[1*st* August 1861.]

CAP. L.

An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland. —[1*st* August 1861.]

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty Queen *Victoria*, (Chapter Fifty-nine, it is provided that "where "on the original making and issuing of any Bond or Mortgage "given by Public Companies under the Provisions of Acts of "Parliament, as Securities for Money which such Companies "are by the said Acts expressly empowered or authorized to "borrow, and before any Transfer or Assignment thereof, such "Bond or Mortgage shall be stamped with an Amount of Stamp "Duty equal to Three Times the Amount of the *ad valorem* "Stamp Duty chargeable thereon by Law, and over and above "the said *ad valorem* Duty, then every Transfer or Assignment "thereafter made of such Bond or Mortgage by Endorsement "thereon shall be deemed to be exempt from the Stamp Duty "which would otherwise be payable in respect of such Transfer "or Assignment:" And whereas it is expedient to make Provision for regulating the Force and Effect of Bonds and Mortgages so stamped granted by Railway Companies in *Scotland*, and of the Transfer or Assignment thereof by Endorsement thereon: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

16 & 17 Vict. c. 59.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Mortgages and Bonds by Railway Companies bearing a certain Stamp Duty may be transferred by Endorsement.

I. From and after the passing of this Act, any Person entitled to any Mortgage or Bond granted by any Railway Company in *Scotland*, under the Powers contained in any Act of Parliament, may from Time to Time transfer his Right to and Interest in such Mortgage or Bond to any other Person by signing on the Back of such Mortgage or Bond an Endorsement in the Form prescribed by the Schedule to this Act, or to the like Effect; provided always, that such Mortgage or Bond shall, on the original making and issuing thereof, and before any Transfer or Assignment thereof, have been stamped with an Amount of Stamp Duty equal to Three Times the Amount of the *ad valorem* Stamp Duty chargeable thereon by Law, and over and above the said *ad valorem* Duty, and have been duly registered in the Books of such Company, in Terms of the Companies Clauses Consolidation (*Scotland*) Act, 1845.

Endorsements to be exempt from Stamp Duty, and to have Effect of Assignments.

II. Every such Endorsement shall be exempt from Stamp Duty, and shall have the same Force and Effect in all respects as the Transfer of any Mortgage or Bond by Deed executed according to the Form and registered in Terms of the Provisions prescribed by the said Companies Clauses Consolidation (*Scotland*) Act, 1845.

"Person."

III. In this Act the Expression "Person" shall include Company, Firms, and Incorporations.

Short Title.

IV. In citing this Act, it shall be sufficient for all Purposes to use the Expression "The Railway Companies Mortgage Transfer (*Scotland*) Act, 1861."

SCHEDULE.

Form of Endorsement.

I *A.B.* of transfer to *C.D.* of

In witness whereof I have subscribed this Endorsement at on the Day of before these Witnesses, *E.F.* of and *G.H.* of .

[*Signature of Endorser.*]

[*Signatures of Witnesses.*]

CAP. LI.

An Act for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes.—[1*st* August 1861.]

CAP. LII.

An Act to empower the Governors of the several Australian *Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.*—[1*st* August 1861.]

CAP. LIII.

An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.—[1*st* August 1861.] (England and Ireland.)

CAP. LIV.

An Act to confirm certain Appointments in India, *and to amend the Law concerning the Civil Service there.*—[1*st* August 1861.]

33 G. 3. c. 52. WHEREAS by Section Fifty-six of an Act of the Thirty-third Year of King *George* the Third, Chapter Fifty-two, it was enacted that all the Civil Servants of the *East India* Company in *India* under the Rank or Degree of Members of Council should have and be entitled to Precedence in the Service of the said Company at their respective Stations according to their Seniority of Appointment, and that no such Civil Servant should be capable of being advanced or promoted to any higher Station, Rank, or Degree therein than he should be entitled to according to the Length of his Service; and by Section Fifty-seven of the same Act it was enacted that all Vacancies happening

ing in any of the Offices, Places, or Employments in the Civil Line of the Company's Service in *India* (being under the Degree of Counsellor) should be from Time to Time filled up and supplied from amongst the Civil Servants of the said Company belonging to the Presidency wherein such Vacancies should respectively happen: And whereas by reason of the Exigencies of the Public Service Vacancies in certain Offices, Places, and Employments in *India* have been filled up by the Appointment of Persons not being Civil Servants, or not being Civil Servants belonging to the Presidency wherein the Vacancies have happened, and otherwise not in accordance with the Provisions of the said Enactments, and it is expedient that such Appointments should be rendered valid, and also that the Authorities in *India* should be empowered to make such Appointments in like Cases in future: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointments not in accordance with 33 G. 3. c. 52. valid.

I. All Appointments made by the Authorities in *India* to any such Offices, Places, or Employments shall be and be deemed to have been as valid and effectual as if the Act herein-before recited or referred to had not been passed.

Vacancies in Offices to be supplied by Covenanted Civil Servants.

II. All Vacancies happening in any of the Offices, Places, or Employments specified in the Schedule annexed to this Act, and all such offices which may be created hereafter, shall be filled up and supplied, except as herein-after provided, from amongst the Covenanted Civil Servants of the Crown in *India*.

Persons not Covenanted Civil Servants may, under special Circumstances, be appointed to such Offices, subject to certain Restrictions.

III. Where it appears to the Authority in *India* by whom an Appointment should be made to any Office, Place, or Employment specified in the said Schedule, that such Appointment, under the special Circumstances of the Case, should be made without regard to the recited Qualifications, Conditions, and Restrictions of the said Act, it shall be lawful for such Authority to make such Appointment accordingly; provided that no Person shall be so appointed who has not resided for at least Seven Years in *India*, and that every Person previously to his being so appointed to any of the Offices in the Revenue and Judicial Departments specified in the said Schedule shall pass an Examination in the vernacular Language of the District in which he is to be employed, where such Examination is now required, and shall be subject to all the departmental Tests and other Qualifications and Restrictions which are or may be imposed in the like Case on Covenanted Civil Servants.

Such Appointment in each Case to be

IV. Every such Appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of *India*, together with the special Reasons for making the same;

reported to the Secretary of State.

same ; and unless the Secretary of State in Council shall approve such Appointment, with the Concurrence of a Majority of Members present at a Meeting, and shall within Twelve Months from the Date of such Appointment notify such Approval to the Authority by whom the Appointment was made, then such Appointment shall be cancelled.

Certain Offices may be filled up without regard to Restrictions prescribed by recited Act.

V. All Vacancies happening in any other Offices, Places, or Employments than those mentioned in the said Schedule, and all other Offices than those so mentioned that may hereafter be created in *India*, may be filled up and supplied without regard to the Qualifications, Conditions, and Restrictions prescribed by the said Act.

Act not to apply to Office of Lieutenant Governor, &c.

VI. Provided always, That this Act shall not apply to the Office of Lieutenant Governor of any Part of Her Majesty's Dominions in *India*, or to any Offices for the Supply of which Provision may be made by any other Act of the present Session of Parliament.

So much of 33 G. 3. c. 52. as requires Seniority, &c. for Appointments repealed.

VII. Section Fifty-six of the said Act of the Thirty-third Year of King *George* the Third, and so much of the other Sections of the said Act and of any other Act now in force as requires Seniority as a Condition or Qualification for the Appointment of Civil Servants to Offices, Places, or Employments, shall be repealed.

SCHEDULE.

Secretaries, Junior Secretaries, and Under Secretaries to the several Governments in India, except the Secretaries, Junior Secretaries, and under Secretaries in the Military, Marine, and Public Works Departments.

Accountant General.

Civil Auditor.

Sub-Treasurer.

Judicial.

1. Civil and Session Judges, or Chief Judicial Officers of Districts in the Provinces now known as Regulation Provinces.
2. Additional and Assistant Judges in the said Provinces.
3. Magistrates or Chief Magisterial Officers of Districts in the said Provinces.
4. Joint Magistrates in the said Provinces.
5. Assistant Magistrates or Assistants to Magistrates in the said Provinces.

Revenue.

Revenue.

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.
2. Secretaries to the said Boards of Revenue.
3. Commissioners of Revenue or Chief Revenue Officers of Divisions in the Provinces now known as Regulation Provinces.
4. Collectors of Revenue or Chief Revenue Officers of Districts in the said Provinces.
5. Deputy or Subordinate Collectors where combined with the Office of Joint Magistrate in the said Provinces.
6. Assistant Collectors or Assistants to Collectors in the said Provinces.
7. Salt Agents.
8. Controller of Salt Chowkies.
9. Commissioners of Customs, Salt, and Opium.
10. Opium Agents.

CAP. LV.

An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions.—[1*st* August 1861.] (England.)

CAP. LVI.

An Act to make Provision for Salaries for the Revising Barristers for the City of Dublin.—[1*st* August 1861.]

CAP. LVII.

An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in Ireland.—[1*st* August 1861.]

CAP. LVIII.

An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in Ireland.—[1*st* August 1861.]

CAP. LIX.

An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.—[1*st* August 1861.] (England.)

CAP. LX.

An Act to amend the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-nine, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland.—[1*st* August 1861.]

CAP. LXI.

An Act to amend the Local Government Act.—[1*st* August 1861.] (England.)

CAP. LXII.

An Act to amend the Act of the Ninth Year of King George *the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall.*—[1*st* August 1861.]

CAP. LXIII.

An Act to enable Grand Juries in Ireland *to increase the Remuneration of County Surveyors, and for other Purposes.*—[1*st* August 1861.]

CAP. LXIV.

An Act to continue certain Turnpike Acts in Great Britain.—[1*st* August 1861.]

None of the *Acts* mentioned in the Schedule annexed to this Act apply to Scotland.

CAP. LXV.

An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, *and the* Isle of Man.—[1*st* August 1861.]

WHEREAS the Act passed in the Session holden in the Fourth and Fifth Years of Her present Majesty, Chapter Thirty, intituled *An Act to authorize and facilitate the Completion of the Survey of* Great Britain, Berwick-upon-Tweed, *and the* Isle of Man, has been continued by several Acts, and lastly was amended and continued by an Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-one, until the Thirty-first Day of *December* One thousand eight hundred and sixty-one: And whereas it is expedient that the said first-recited Act, as amended by the last recited Act, should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 Vict. c. 30., as amended by 19 & 20 Vict. c. 61., continued until Dec. 1866.

That the said Act of the Fourth and Fifth Years of the Reign of Her present Majesty, as amended by the said recited Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, shall continue and be in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-six.

CAP. LXVI.

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings.—[1*st* August 1861.] (England and Ireland.)

CAP. LXVII.

An Act to make better Provision for the Constitution of the Council of the Governor General of India, *and for the Local Government of the several Presidencies and Provinces of* India, *and for the temporary Government of* India *in the event of a Vacancy in the Office of Governor-General.*—[1*st* August 1861.]

CAP. LXVIII.

An Act to amend the Laws relating to Attorneys and Solicitors in Ireland.—[1*st* August 1861.]

CAP. LXIX.

An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland.—[1*st* August 1861.]

WHEREAS it would be of great public and local Advantage if Provision were made for the Formation of Tramways on Turnpike and Statute Labour Roads in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Tramways (*Scotland*) Act, 1861."

II. The

Interpretation of Terms.

II. The following Words in this Act shall have the several Meanings hereby assigned to them:

The Word "Trustees" shall mean the Trustees for the Time being appointed and acting under any Local Turnpike or Statute Labour Road Act in *Scotland:*

The Word "Clerk" shall mean the Clerk for the time being to such Trustees:

The Word "Tramways" shall mean and include any Tramroad or Tramway, whether temporary or permanent, formed of Iron, Stone, or other Material, and laid down level with the Surface on any Turnpike or Statute Labour Road under the Provisions of this Act.

With respect to the Formation of Tramways on Turnpike Roads:

Special Meeting of Trustees may be called to consider the Expediency of laying down Tramways.

III. Any Two Trustees may, by a Requisition under their Hands, require the Clerk to call a Special Meeting of the Trustees for any Day and Hour specified in such Requisition, not being earlier than Twenty-one Days after the Date thereof, for the Purpose of considering the Expediency of forming Tramways on the Roads under their Management, or any Part thereof; and within Three Days after the Receipt of such Requisition the Clerk shall call such Special Meeting, to be held at the Time specified therein, and at the Place where the Meetings of the Trustees are usually held; and Notice of such Meeting, and of the special Purpose thereof, shall be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published in the County in which such Roads are situated, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County.

Trustees may remit to their Surveyor or to an Engineer to prepare Plans of Tramways and Estimate of Expense.

IV. If the Trustees present at such Special Meeting shall resolve that it is expedient to form Tramways on the Roads under their Management, or any Part thereof, they may remit to their Surveyor, or to any Engineer to be named by them, to prepare Plans of the proposed Tramways, showing the Extent thereof, and the Mode in which the same are to be formed, and the Portions of the Roads to be occupied thereby, with an Estimate of the Expense of such Tramways; and such Plans and Estimate of Expense shall be lodged with the Clerk, for the Inspection of the Trustees, at least One Month previous to the General or Special Meeting before which the same are to be laid.

Plans and Estimate to be laid before General or Special Meeting of Trustees.

V. The Plans and Estimate of Expense prepared by such Surveyor or Engineer shall be laid before any General Meeting of the Trustees convened under the Provisions of the General Turnpike Road Act for *Scotland*, First and Second *William* the Fourth, Chapter Forty-three, or of any Local Act under which the Trustees are appointed and acting, or before a Special Meeting

ing of the Trustees to be called in the Manner provided by the said General Turnpike Road Act; and the Trustees present at such General or Special Meeting may approve or disapprove of such Plans and Estimate of Expense, or may direct such Alterations to be made thereon as they may deem necessary, and may resolve to proceed or not to proceed with the Formation of the Tramways as they may think fit.

Tramways may be laid down according to Plans.

VI. On such Plans and Estimate being finally approved by the Trustees at any General or Special Meeting, as the case may be, it shall be lawful for the Trustees to form and lay down the Tramways in the Manner described on such Plans, and on the Roads included therein, or on the Sides of such Roads.

Tramways to form Part of Roads.

VII. The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and, subject to the Provisions of this Act, all the Enactments of the said General Turnpike Road Act, and of any Local Act relating to the Road on which the Tramways are laid down, shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads.

Expense of forming and maintaining Tramways, how to be defrayed.

VIII. The expense of forming and laying down the Tramways, and incidental thereto, shall be defrayed out of the Tolls and Revenues of the Roads under the Management of the Trustees, or out of Money to be borrowed on the Credit of such Tolls and Revenues; and it shall be lawful for the Trustees to borrow Money for the Purpose of defraying such Expense, and to grant Assignations of such Tolls and Revenues in Security of the Payment of the Money so to be borrowed, in the manner provided by the said General Turnpike Road Act, any Provision or Restriction with respect to the Power of borrowing Money contained in any Local Act relating to such Roads to the contrary notwithstanding; and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Tolls and Revenues of such Roads: Provided that it shall not be lawful for the Trustees to apply any Part of such Tolls and Revenues in defraying the Expense of forming the Tramways, or to borrow Money for that Purpose on the Security of such Tolls and Revenues, without the Consent in Writing of the Persons entitled to Two Thirds of the Money borrowed and remaining due on the Credit of such Tolls and Revenues.

Tolls for Use of Tramways.

IX. It shall be lawful for the Trustees, with the Powers and Authorities and subject to the Provisions and Exemptions contained in the said General Turnpike Road Act, and in any Local Act relating to the Roads on which the Tramways are formed, to demand and take or cause to be demanded and taken, for and in respect of all Carts, Waggons, and Carriages using or passing over the Tramways, the same Tolls as are levied for the Time being

being under the Provisions of such Acts for and in respect of Carts, Waggons, and Carriages using or passing over such Roads; and the Tolls levied and received on and in respect of the Tramways shall be held and applied by the Trustees for the same Uses and Purposes as the Toll Duties levied and received on and in respect of such Roads: Provided always, that any Cart, Waggon, or Carriage using or passing over the Tramways for any Distance exceeding One hundred Yards shall be liable to the same Toll as if such Cart, Waggon, or Carriage had passed through a Toll Gate on such Roads; and the Tolls payable for and in respect of Carts, Waggons, and Carriages so using or passing over the Tramways, and not passing through a Toll Gate, may be sued for and recovered in the same Manner as Toll Duties may be sued for and recovered under the Provisions of the said General Turnpike Road Act, which are hereby made applicable to the Tolls payable for and in respect of the Use of the Tramways: Provided also, that any Cart, Waggon, or Carriage using or passing over the Tramways or any Part thereof, and thereafter passing through a Toll Gate on the Road on which the Tramways are formed, shall only be liable to pay a single Toll, in the same Manner as if such Cart, Waggon, or Carriage had used or passed over such Road.

Trustees may compound for Tolls on Tramways

X. It shall be lawful for the Trustees to compound and agree, for any Term not exceeding One Year at any One Time, with any Person or Company using the Tramways or any Part thereof exceeding One hundred Yards in Length, for the passing of his or their Carts, Waggons, or Carriages over the Tramways: Provided that such Compositions and Agreements shall be subject to all the Provisions with respect to Compositions for Tolls contained in the Fifty-third Section of the said General Turnpike Road Act.

Trustees may make Regulations for Use of Tramways.

XI. The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways or at the Toll Gates nearest thereto; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence; and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Turnpike Road Act.

With respect to the Formation of Tramways on Statute Labour Roads:

Tramways may be formed on Statute Labour Roads.

XII. In the event of any Application being made to the Trustees of any Statute Labour Road by any Person or Company desiring to form Tramways on such Road, the Trustees may, at any General or Special Meeting convened under the Provisions of

of the General Statute Labour Road Act for *Scotland*, Eighth and Ninth *Victoria*, Chapter Forty-one, or of any Local Act under which the Trustees are appointed and acting, authorize such Person or Company to form the Tramways; and on such Authority being granted it shall be lawful for such Person or Company, at his or their own Expense, to form and lay down the Tramways to such Extent, in such Manner, and on such Terms as shall be agreed upon and approved by the Trustees or their Surveyor.

Tramways to form Part of Roads.

XIII. The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and may be used by all Carts, Waggons, and Carriages passing over the Roads; and, subject to the Provisions of this Act, all the Enactments of the said General Statute Labour Road Act and of any Local Act relating to the Roads on which the Tramways are laid down shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads: and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Funds and Revenues under their Management, or by the Person or Company by whom the same were laid down, or jointly by the Trustees and such Person or Company, as may be agreed upon.

Trustees may make Regulations for Use of Tramways.

XIV. The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and before taking effect such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence: and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Statute Labour Road Act.

Tramways may be removed.

XV. It shall be lawful for the Person or Company by whom the Tramways on any Statute Labour Road were laid down, or his or their Heirs or Successors, and they are hereby required to take up and remove the same at such Time as shall have been agreed on with the Trustees: Provided that on the Tramways being so removed the Road on which the same were laid down shall, to the Satisfaction of the Trustees or their Surveyor, be restored by such Person or Company, or his or their Heirs or Successors, at his or their own Expense, to the same State and Condition, as nearly as may be, in which such Road was at the Time of laying down the Tramways.

Tramways not to be laid down in Burghs

XVI. Nothing in this Act contained shall authorize the Trustees to form or lay down Tramways within the Municipal or Parliamentary Boundaries of any Royal or Parliamentary Burgh,

Burgh, without the Consent in Writing of the Magistrates and Council of such Burgh first had and obtained. without Consent of Magistrates and Council.

XVII. The Person or Company by whom the Tramways on any Statute Labour Road shall have been laid down, and their Heirs and Successors, shall maintain such Tramways, while unremoved, in constant good Order for Traffic at the Sight and to the Satisfaction of the Surveyor; and when they shall propose to remove the same as aforesaid, the Trustees shall be entitled to acquire all Right therein belonging to such Person or Company, or their Heirs and Successors, on Payment to them of such Sum as the same may be valued at by Valuators agreed on by the Trustees and such Person or Company, or their Heirs and Successors, or, failing such Agreement, by any Valuator or Valuators appointed by the Sheriff of the County on the Application of either Party. Tramways to be kept in constant good Order, and Trustees may acquire Right to them when proposed to be removed.

CAP. LXX.

An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same.—[1*st* August 1861.]

WHEREAS the Use of Locomotives is likely to become common on Turnpike and other Roads: And whereas the General Turnpike and Highway Acts and many of the Local Turnpike Acts do not contain any Provisions for regulating the Use of Locomotives on the Roads to which they respectively apply, nor do they authorize the levying of Tolls upon or in respect of any Locomotive using the Roads, or upon or in respect of any Waggon or Carriage drawn by Locomotives: And whereas under and by virtue of certain Local Turnpike Acts Tolls may be levied upon Locomotives and other Engines drawing or propelling Waggons or Carriages, or upon the Waggons or Carriages so drawn or propelled, which are or may be prohibitory of the Use of Locomotives on the Roads to which the said Acts respectively apply: And whereas the Weighing Clauses in the General Turnpike Acts have not been framed in anticipation of Traffic by Locomotives, and are in many respects ill adapted to the profitable carrying of Goods, or to the levying of just and adequate Tolls upon Waggons or Carriages drawn by Locomotives: And whereas it is desirable that

that the Use of Locomotives on Turnpike and other Roads should be regulated by uniform general Provisions, and that Tolls should be levied upon such Locomotives and the Waggons or Carriages drawn by such Locomotives upon Turnpike Roads: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scale of Tolls to be taken after passing of this Act.

I. From and after the passing of this Act, all Trustees, Corporations, Commissioners, and other Persons acting under and in execution of any existing General or Local Turnpike Road Act or Public Bridge Act shall demand and take Tolls not exceeding the Tolls following; that is to say,

For every Locomotive propelled by any Power, containing within itself the Machinery for its own Propulsion, such a Toll for every Two Tons Weight or fractional Part of every Two Tons Weight that such Locomotive shall weigh as shall be equal to the Toll or Tolls by their respective Acts made payable for every Horse drawing any Waggon, Wain, Cart, or Carriage with Wheels of a Width similar to those of such Locomotive; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for every Two Tons or fractional Part thereof that such Locomotive shall weigh as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage; which Tolls respectively shall be payable so often as Tolls made payable as aforesaid for such Waggon, Wain, Cart, or Carriage shall be payable at the same Gate: Provided always, that if the Wheels of such Locomotive shall rest upon any Shoe or other Bearing the Surface of which shall bear upon the Ground so as to prevent the Wheels coming in contact therewith, such and the same Tolls only shall be demanded and payable as if the Wheels thereof were of a Width similar to such Shoe or Bearing:

For every Waggon, Wain, Cart, or Carriage drawn or propelled by any Locomotive, for each Pair of Wheels thereof such a Toll as shall not exceed the Toll by their respective Acts made payable for Two Horses drawing any Waggon, Wain, Cart, or Carriage with Wheels of a similar Width, and for every additional Wheel thereof One Half Toll in addition to the said Toll; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such

such a Toll for each Wheel as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage; which said Toll or Tolls shall be payable so often as the Toll made payable as aforesaid for such Waggon, Wain, Cart, or Carriage drawn by Horses shall be payable at the same Gate:

Provided always, that in every Case where the Wheels of any Waggon, Wain, Cart, or Carriage shall not all be cylindrical, as described in the Act of the Third Year of *George* the Fourth, Chapter One hundred and twenty-six, Section Nine, the Toll payable in respect thereof shall be One Half more.

Repeal of former Enactments as to Tolls to be taken for Locomotives.

II. All Clauses and Provisions in any Local or General Turnpike Road Act or public Bridge Act authorizing Tolls to be demanded or taken upon Locomotives or Carriages drawn by Steam or any other than Animal Power, different to the Tolls herein provided for, shall, so far as the same relate to such Tolls, be and the same are hereby repealed: Provided always, that this Enactment shall not be deemed or construed to extend to any Tolls authorized to be taken in respect of any private Roads or private Bridges, or to the Roads comprised in "The *Commercial* Roads Continuation Act, 1849."

As to the Size and Weight of Locomotives.

III. Every Locomotive propelled by Steam or any other than Animal Power, not drawing any Carriage, and not exceeding in Weight Three Tons, shall have the Tires of the Wheels thereof not less than Three Inches in Width, and for every Ton or fractional Part thereof additional Weight the Tires of the Wheels thereof shall be increased One Inch in Width; and every Locomotive drawing any Waggon or Carriage shall have the Tires of the Wheels thereof not less than Nine Inches in Width; but no Locomotive shall exceed Seven Feet in Width or Twelve Tons in Weight, except as herein-after provided; and the Wheels of every Locomotive shall be cylindrical and smooth soled, or used with Shoes or other bearing Surface of a Width not less than Nine Inches; and the Owner or Owners of any Locomotive used contrary to the foregoing Provisions shall for every such Offence, on summary Conviction, forfeit any Sum not exceeding Five Pounds: Provided always, that whereas it may be desirable that Locomotives of a greater Width than Seven Feet and of a greater Weight than Twelve Tons should be allowed to be used under certain Circumstances, any Person desiring to use any such Locomotive on any Street or public Highway within the City of *London* or the Liberties thereof, or within the Limits of the Metropolis as defined by the Act of the Eighteenth and Nineteenth Years of Her present Majesty, for the better Local Management of the Metropolis, or within any other City or Municipal or Parliamentary Borough, or on any

any Turnpike Road or other public Highway, shall apply within the City of *London* to the Lord Mayor for the Time being, or within any Municipal or Parliamentary Borough in *Scotland* to the Lord Provost or other Chief Magistrate thereof, and in other Places to the Corporation, Commissioner, Trustees, and Surveyors, or other Persons having the Charge of any such Street, Highway, Turnpike, or other Road over which it may be proposed to work such Locomotive, for Permission to use the same; and the said Lord Mayor, the said Lord Provost or Chief Magistrate, or such Corporation, Commissioners, Trustees, Surveyor, and other Persons as aforesaid, shall have Power to authorize such Locomotive to be used on such Road or Roads, or Part of any Road or Roads, and under such Condition or Conditions as to them may appear desirable; but in the Case of the Surveyor or Surveyors of any Highway in *England* no such Permission shall be valid without also it be approved by the Justices acting in Petty Sessions for any Petty Sessional Division within which it is proposed to use such Locomotive.

As to the Weight on each Pair of Wheels.

IV. It shall not be lawful for any Waggon, Wain, Cart, or other Carriage so drawn or propelled as aforesaid, not having cylindrical Wheels, to carry any greater Weight than is permitted in such Waggon, Wain, Cart, or Carriage by the General Turnpike Act; and it shall not be lawful for any Waggon, Wain, Cart, or other Carriage having cylindrical Wheels to carry, over or above the Weight of the Waggon, Wain, Cart, or Carriage, any greater Weight than One Ton and a Half for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Four Inches or more in Breadth; nor to carry a greater Weight than Two Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Six Inches or more in Breadth; nor to carry a greater Weight than Three Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Eight Inches or more in Breadth; and for every single Wheel One Half of that permitted to be carried on a Pair of Wheels; nor in any case to carry a greater Weight than Four Tons on each Pair of Wheels, or Two Tons on each Wheel; but if such Waggons, Wains, or other Carriages are built and constructed with Springs upon each Axle, then they shall be allowed to carry One Sixth more Weight in addition to the above-mentioned Weights upon each Pair of Wheels: Provided always, that the Regulation of Weight herein mentioned and provided shall not extend to any Waggon, Wain, Cart, or other Carriage carrying only One Tree or One Log of Timber, or One Block of Stone, or One Cable or Rope, or One Block, Plate, Roll, or Vessel of Iron or other Metal, or compounded of any Two or more Metals cast, wrought, or united in One Piece.

V. In

Power to Secretary of State to prohibit the Use of Locomotives destructive to Highways or dangerous to the Public.

V. In case it appear to One of Her Majesty's Principal Secretaries of State that the Use of any particular Description of Locomotive causes excessive Wear and Tear of the Highways, or is dangerous or inconvenient to the Public, or that the Use of Locomotives generally or of any particular Description of Locomotive is dangerous or inconvenient to the Public in certain Districts or Places, it shall be lawful for such Secretary of State from Time to Time, by Order under his Hand, to prohibit the Use of any Kind or Description of Locomotive specified in such Order on any Highway whatsoever, or to prohibit the Use of Locomotives, or any specified Kind or Description thereof, on the Highways within any Place, District, or Limit mentioned in such Order, or otherwise to restrict the Use of Locomotives as Circumstances may appear to him to require, and from Time to Time, by Order made as aforesaid, to revoke or alter any such Order previously made; and every Order made under this Enactment shall be published in the *London Gazette*, and any Person using any Locomotive contrary to any such Order shall for every such Offence, on summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Ten Pounds.

Use of Locomotives restricted over Suspension and other Bridges.

VI. It shall not be lawful for the Owner or Driver of any Locomotive to drive it over any Suspension Bridge nor over any Bridge on which a conspicuous Notice has been placed, by the Authority of the Surveyor or Persons liable to the Repair of the Bridge, that the Bridge is insufficient to carry Weights beyond the ordinary Traffic of the District, without previously obtaining the Consent of the Surveyor of the Road or Bridgemaster under whose Charge such Bridge shall be for the Time being, or of the Persons liable to the Repair of such Bridge; and in case such Owner of the Locomotive and Surveyor of the Road or Bridge, or Bridgemaster, shall differ in opinion as to the Sufficiency of any Bridge to sustain the Transit of the Locomotive, then the Question shall be determined by an Officer to be appointed, on the Application of either Party, by One of Her Majesty's Principal Secretaries of State, whose Certificate of Sufficiency of such Bridge shall entitle the Owner of the Locomotive to take the same over such Bridge.

Damage caused by Locomotives to Bridges to be made good by Owners.

VII. Where any Turnpike or other Roads, upon which Locomotives are or hereafter may be used, pass or are or shall be carried over or across any Stream or Watercourse, navigable River, Canal, or Railway, by means of any Bridge or Arch (whether stationary or moveable), and such Bridge or Arch, or any of the Walls, Buttresses, or Supports thereof, shall be damaged by reason of any Locomotive or any Waggon or Carriage drawn or propelled by or together with a Locomotive passing

ing over the same or coming into Contact therewith, none of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Person interested in or having the Charge of such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, shall be liable to repair or make good any Damage so to be occasioned, or to make Compensation to any Person for any Obstruction, Interruption, or Delay which may arise therefrom to the Use of such Bridge or Arch, navigable River, Canal, or Railway, but every such Damage shall be forthwith repaired to the Satisfaction of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons as aforesaid respectively interested in or having the Charge of such River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, by and at the Expense of the Owner or Owners or the Person or Persons having the Charge of such Locomotive at the Time of the happening of such Damage; and all such Owner and Owners, Person and Persons, having the Charge of such Locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good, as well to the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, and other Persons interested in or having the Charge of any such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, as to all Persons navigating on or using, or who but for such Obstruction, Interruption, or Delay would have navigated on or used the same, all Losses and Expenses which they or any of them may sustain or incur by reason of any such Obstruction, Interruption, or Delay, such Losses and Expenses to be recoverable by Action at Law, which Action, in case of such Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons so interested as aforesaid, may be brought in the Name or Names of their Agent or Agents, Clerk or Clerks for the Time being, or by any Person or Persons legally authorized to act in their Behalf.

Locomotive propelled by Steam to consume their own Smoke.

VIII. Every Locomotive propelled by Steam or any other than Animal Power to be used on any Turnpike Road or public Highway shall be constructed on the Principle of consuming and so as to consume its own Smoke; and any Person using any Locomotive not so consuming its own Smoke shall, on Conviction thereof before any Two of Her Majesty's Justices of the Peace, forfeit any Sum not exceeding Five Pounds for every Day during which such Locomotive shall be used on any such Turnpike Road or public Highway.

As to the Number of Persons in charge of

IX. It shall not be lawful for any Owner of such Locomotive, either in his own Person or by his Servants, to use any such Locomotive, Waggon, or Carriage on the Turnpike or other Roads,

Roads, except there be at the least Two Persons to drive or conduct such Locomotive, and if more than Two such Waggons or Carriages be attached to such Locomotive, One Person to take charge of such Waggons and Carriages; and any Person in charge of such Locomotive shall provide Two efficient Lights, to be affixed conspicuously, One at each Side, on the Front of the same, between the Hours of One Hour after Sunset and One Hour before Sunrise; and any Person acting contrary hereto shall for every such Offence, on summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Five Pounds.

Locomotive and Waggons.

Lights to be used at Night.

X. All Waggons, Wains, Carts, or Carriages, as hereinbefore described, drawn by any Locomotive, and loaded with any Materials such as are now exempt from Toll under the Provisions of any General or Local Act, shall be entitled to the same Exemption as they would be if drawn by Animal Power.

Exemption from Tolls of Waggons, &c. now exempt under any General or Local Act.

XI. It shall not be lawful to drive any Locomotive along any Turnpike Road or public Highway at a greater Speed than Ten Miles an Hour, or through any City, Town, or Village at a greater Speed than Five Miles an Hour; and any Person acting contrary hereto shall for every such Offence, on summary Conviction thereof before Two Justices, if he be not the Owner of such Locomotive, forfeit any Sum not exceeding Five Pounds, and if he be the Owner thereof, shall forfeit any Sum not exceeding Ten Pounds.

Limit of Speed of Locomotives on public Highways, &c.

XII. All the Clauses and Provisions of any General or Local Acts relating to Turnpike Roads or Highways shall, so far as the same are not expressly altered or repealed by or are not inconsistent with the Provisions of this Act, apply to all Locomotives propelled by other than Animal Power, and to all Waggons, Wains, Carts, and Carriages of any other Description drawn by such Locomotive, and to the Owners, Drivers, and Attendants thereof, in like Manner as if drawn by Animal Power: Provided always, that the Weight of every Locomotive, and the Name of the Owner or Owners thereof, shall be conspicuously and legibly affixed thereon; and any Owner not having affixed such Weight and such Name shall, upon Conviction thereof before Two Justices, forfeit any Sum not exceeding Five Pounds; and any Owner who shall fraudulently affix thereon any incorrect Weight shall, upon Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

Provisions of General Acts relating to Turnpike Roads to apply to Locomotives.

XIII. Nothing in this Act contained shall authorize any Person to use upon a Highway a Locomotive Engine which shall be so constructed or used as to cause a public or private Nuisance; and every such Person so using such Engine shall, notwithstanding this Act, be liable to an Indictment or Action,

Right of Action in case of Nuisance.

as

as the Case may be, for such Use, where, but for the passing of this Act, such Indictment or Action could be maintained.

Short Title.

XIV. This Act may be cited as the "Locomotive Act, 1861."

Extent of Act.

XV. This Act shall extend to *Great Britain*.

CAP. LXXI.

An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland *in relation to Advances and Repayments of Public Monies for Public Works.*—[1*st* August 1861.]

CAP. LXXII.

An Act to make further Provision for the Regulation of the British *White Herring Fishery in* Scotland. —[1*st* August 1861.]

23 & 24 Vict. c. 92, s. 1.

WHEREAS an Act was passed in the last Session of Parliament "to amend the Laws relating to the *Scottish* Herring Fisheries," and it is expedient that further Provision be made for carrying into effect the Purposes thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty for selling, &c. Herrings during Close Time.

I. Every Person who, during the Period fixed by the recited Act for the Annual Close Time in the Herring Fisheries on the West Coasts of *Scotland*, shall sell or dispose of, or offer to sell or dispose of, or shall have in his Possession, any Herring or Herring Fry known by such Person to have been taken on the said West Coasts of *Scotland*, or on any Part thereof, during such Close Time, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of any Boat, Box, Basket, Creel, or other Article in which the same may be found; and the Proof that such

such Herrings or Herring Fry when sold or disposed of, or offered for Sale or Disposal, or found in the Possession of any Person in the Ports, Harbours, Villages, or other Localities adjoining the said West Coasts of *Scotland*, were not taken contrary to the Provisions of the recited Act, shall be upon the Party selling or disposing or offering to sell or dispose of such Herrings or Herring Fry, or in whose Possession the same may be found.

Penalty for selling, &c. Herrings taken contrary to Provisions of 14 & 15 Vict. c. 26. s. 6.

II. Every Person who shall sell or dispose of, or offer to sell or dispose of, or who shall have in his Custody or Possession within a Boat, or recently removed therefrom, in any of the Ports, Harbours, Villages, or other Localities adjoining the Coasts of *Scotland*, any Herrings or Herring Fry taken contrary to the Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-six, Section Six, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of every Boat, Box, Basket, Creel, or other Article in which the same may be found.

Penalty for defacing Marks or Numbers on Boats, Sails, &c.

III. After any Boat, Sail, Buoy, Net, or other Implement of Fishery shall have been marked or numbered under the Eleventh Section of the recited Act, it shall not be lawful to deface, alter, or endeavour in any way to conceal any such Mark or Number, without the Sanction of the Commissioners mentioned in the said Section; and every Person who shall so deface, alter, or endeavour to conceal the Mark or Number of any such Boat, Sail, Buoy, Net, or other Implement of Fishery shall be liable in a Penalty of not less than Forty Shillings and not exceeding Ten Pounds for every such Offence.

Herrings, &c. seized to be forfeited.

IV. All Herrings or Herring Fry taken contrary to the Provisions of the recited Act, or of any Act incorporated therewith or referred to therein, and every Boat and Net used in the taking of such Herrings or Herring Fry, and every Boat, Box, Basket, Creel, or other Article in which the same may be found, may be seized by the Superintendent of Fisheries or any Officer acting under his Orders, or by any Officer of the Fisheries, or by any Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under the said recited Act, and shall be forfeited.

Regulations may be made suspending Provisions of Act, to admit of Sprat Fishing within

V. It shall be lawful to the Commissioners of the *British* White Herring Fishery at any Time, and from Time to Time, if Circumstances shall in their Opinion render it proper so to do, by Regulations to be made by them, to suspend within such Part of the *Firth of Forth* as is situate to the Westward of a straight Line drawn across the *Firth of Forth* from the West Pier of *South Queensferry* Harbour on the South Side through *Bimar*

Part of Firth of Forth.

Bimar Beacon, and carried onwards to the Shore on the North Side, to such Extent and for such Period as they shall judge fit, the Operation of any of the Provisions of this Act or of the recited Act, or of any Act therein referred to, so as to admit of the Prosecution of the Sprat Fishing.

Declaring Import of 13th Section of recited Act.

VI. Whereas Doubts have been entertained regarding the Import of the Thirteenth Section of the recited Act, and the Penalty thereby imposed: It is hereby declared and enacted, That the Provisions of the said Section apply to all Nets other than the usual Drift Net, having Meshes of the legal Size of One Inch from Knot to Knot, and that the Penalty incurred by any Breach of the Provisions of the said Section is and shall be, for each Offence, not less than Five and not exceeding Twenty Pounds over and above the Forfeiture of the Net or Nets in reference to which the Penalty is incurred.

Constables acting under Orders of Sheriffs, &c. may exercise Powers of Act.

VII. Any Constable or Officer of Police acting under the Authority and Orders of any Sheriff, or of any Justice of the Peace or Magistrate having Jurisdiction under the recited Act, shall be entitled, upon the Requisition of the Commissioners of the *British* White Herring Fishery, and until such Requisition be recalled, to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under or in virtue of this Act or the recited Act, or any Act therein referred to, by any Superintendent or Officer of the Fishery, except the superintending the curing of Herrings and the branding of Barrels containing the same; and every Person who resists or obstructs any Constable or Officer of Police so executing such Powers, Functions, and Privileges shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days.

Powers of recited Acts extended to this Act.

VIII. All the Powers, Jurisdictions, and Authorities given, created, or conferred by the said recited Act, for carrying into effect the Purposes thereof, shall be held to extend to and be incorporated with this Act; and all Penalties incurred under the Provisions of this Act may be prosecuted and enforced after the Forms and according to the Rules and Procedure prescribed by the said recited Act.

CAP. LXXIII.

An Act to amend the Law relating to the Copyright of Designs.—[*6th* August 1861.]

WHEREAS by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of Her present Majesty,

jesty, Chapter One Hundred, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*, it was enacted, that the Proprietor of every such Design as therein mentioned, not previously published either within the United Kingdom of *Great Britain* and *Ireland* or elsewhere, should have the sole Right to apply the same to any Articles of Manufacture, or to any such Substances as therein mentioned, provided the same were done within the United Kingdom of *Great Britain* and *Ireland*, for the respective Terms therein mentioned, and should have such Copyright in such Designs as therein provided: And whereas divers Acts have since been passed extending or amending the said recited Acts: And whereas it is expedient that the Provisions of the said recited Act, and of all Acts extending or amending the same, should apply to Designs, and to the Application of such Designs, within the Meaning of the said Acts, whether such Application be effected within the United Kingdom or elsewhere: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 5 & 6 Vict. c. 100.

I. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the Words "provided the same be done within the United Kingdom of *Great Britain* and *Ireland*" had not been contained in the said recited Act; and the said recited Act, and all Acts extending or amending the same, shall apply to every such Design as therein referred to, whether the Application thereof be done within the United Kingdom or elsewhere, and whether the Inventor or Proprietor of such Design be or be not a Subject of Her Majesty. 5 & 6 Vict. c. 100., and other Acts relating to Copyright of Designs, extended.

II. That the said several Acts shall not be construed to apply to the Subjects of Her Majesty only. Application of Acts.

CAP. LXXIV.

An Act to render lawful the Enlistment of Persons transferred from the Indian *to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.*—[6*th* August 1861.]

CAP. LXXV.

CAP. LXXV.

An Act for amending the Municipal Corporations Act.—[6*th* August 1861.] (England.)

CAP. LXXVI.

An Act to amend the Law relating to the Removal of Poor Persons to Ireland.—[6*th* August 1861.] (England.)

CAP. LXXVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[6*th* August 1861.]

CAP. LXXVIII.

An Act to repeal certain Enactments relating to nominating and appointing the Householders of Westminster *to serve as Annoyance Jurors, and to make other Provisions in lieu thereof.*—[6*th* August 1861.]

CAP. LXXIX.

An Act to amend the Metropolis Gas Act.—[6*th* August 1861.]

CAP. LXXX.

An Act to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and

and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes.—[6*th* August 1861.]

WHEREAS the following Acts have been passed; *viz.*, an Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four; an Act of the same Session of Parliament, Chapter One hundred and twenty-four; an Act of the First Year of King *George* the Fourth, Chapter Sixty; an Act of the First and Second Years of King *George* the Fourth, Chapter One hundred and eleven; an Act of the Third Year of King *George* the Fourth, Chapter Eighty-six; an Act of the Fourth Year of King *George* the Fourth, Chapter Sixty-three; an Act of the Fifth Year of King *George* the Fourth, Chapter Thirty-six; an Act of the same Session of Parliament, Chapter Seventy-seven; an Act of the Sixth Year of King *George* the Fourth, Chapter Thirty-five; an Act of the Seventh Year of King *George* the Fourth, Chapter Thirty; an Act of the Seventh and Eighth Years of King *George* the Fourth, Chapter Twelve; an Act of the same Session of Parliament, Chapter Forty-seven; an Act of the First and Second Years of King *William* the Fourth, Chapter Twenty-four; an Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-two; an Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-two; an Act of the First Year of Her present Majesty Queen *Victoria*, Chapter Fifty-one; an Act of the First and Second Years of Her present Majesty, Chapter Eighty-eight; an Act of the Third Year of Her present Majesty, Chapter Ten; an Act of the Fifth Year of Her present Majesty, Chapter Nine; an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Eighty; an Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Twenty-three; an Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Forty; and an Act of the Nineteenth Year of Her present Majesty, Chapter Seventeen: And whereas sundry Advances or Loans have been made by the Commissioners of the said Acts for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects, and Advances or Loans are also required for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," and it is deemed expedient to make Advances of Money out of the Consolidated Fund for the Purposes of such Loans: Be it therefore enacted by the Queen's most Excellent

57 G. 3. c. 34. 57 G. 3. c. 124. 1 G. 4. c. 60. 1 & 2 G. 4. c. 111. 3 G. 4. c. 86. 4 G. 4. c. 63. 5 G. 4. c. 36. 5 G. 4. c. 77. 6 G. 4. c. 35. 7 G. 4. c. 30. 7 & 8 G. 4. c. 12. 7 & 8 G. 4. c. 47. 1 & 2 W. 4. c. 24. 3 & 4 W. 4. c. 32. 4 & 5 W. 4. c. 72. 1 Vict. c. 51. 1 & 2 Vict. c. 88. 3 Vict. c. 10. 5 Vict. Sess. 2. c. 9. 9 & 10 Vict. c. 80. 14 & 15 Vict. c. 23. 16 & 17 Vict. c. 40. 19 Vict. c. 17.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to charge 360,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

I. For the Purposes of such Advances or Loans as aforesaid (exclusively of Advances or Loans for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861,") the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and sixty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and sixty-two.

Power to charge 350,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 87,500*l.* per Quarter for Harbours, &c.

II. For the Purpose of Advances or Loans under "The Harbours and Passing Tolls, &c. Act, 1861," the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and fifty thousand Pounds *per Annum* during the Five Years next ensuing the passing of this Act, by quarterly Instalments or Issues not exceeding Eighty-seven thousand five hundred Pounds *per* Quarter, the First Instalment thereof to become payable in the Quarter ending the Thirtieth Day of *September* One thousand eight hundred and sixty-one, such Monies to be applied exclusively under the said Harbours and Passing Tolls Act.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a

III. The Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the "National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England*

England shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the Commissioners of the said recited Acts and of this Act for the Purposes of such Loans and Advances and otherwise, as by the same Acts or the Acts relating thereto or this Act are directed or authorized to be made.

separate Account to be continued at the Bank of England for the Purpose.

IV. The Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England* upon such or the like Certificates, under the Hands of the said Commissioners of the said recited Acts and of this Act, as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans as directed by the said recited Acts or some or One of them, in such or the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts or any of them with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near there to as the Difference of the Circumstances will admit.

Bank to continue the Account already opened with the Commissioners for executing this Act.

V. All and every Sums and Sum of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act under and by virtue of this Act shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Money paid into the Bank to the Account of Commissioners for executing this Act to be carried to and be made Part of the Consolidated Fund.

VI. The several Persons who in and by or under the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as

Commis-

Commissioners for executing recited Acts to be Commissioners together with others for executing this Act.

sioners for executing recited Acts to be Commissioners together with others for executing this Act. as shall be living at the Time of the passing of this Act, together with *Paul Butler* Esquire, *George Grenfell Glyn* Esquire, *Thomson Hankey* Esquire, *Thomas Newman Hunt* Esquire, and *Henry Hussey Vivian* Esquire (who have been appointed Commissioners for the Execution of the said recited Acts, under the Authority of the same, or some or One of them, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration before acting.

VII. The said Commissioners named in and by or under the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A.B.* do declare, That according to the best of my Judgment I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act, and the Acts therein recited, and other Acts having reference thereto.'

And such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt.

VIII. When and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being, and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt, and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General, or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed

dressed to the Cashiers of the Governor and Company of the Bank of *England*; and such Cashiers, or One of them, shall upon the Production of every such Order pay the Sum mentioned therein to the Person or Persons mentioned in every such Order, and the Signature of such Person or Persons jointly or severally shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

IX. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account, and the said Commissioners shall in each Year cause such Accounts to be laid before both Houses of Parliament on or before the Thirtieth Day of *June*, if Parliament be sitting, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.

X. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances in the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

XI. None of the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall be affected nor be deemed to have been affected by anything in this Act, or in any other Act or Acts of Parliament already passed or to be passed, except so far as the same is by this Act, or may by any such Act passed or to be passed, be altered, varied, or repealed by express

express Reference to the said recited Acts or this Act: and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act and to everything to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

CAP. LXXXI.

An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland.—[6*th* August 1861.]

WHEREAS by the Fifth and Sixth Sections of an Act passed in the Fifty-seventh Year of the Reign of His Majesty *George* the Third, Chapter Sixty-four, intituled *An Act to abolish certain Offices, and to regulate others in* Scotland, it is *inter alia* provided that from and after and upon the Termination of the then existing Interests in the Offices of Keeper of the Signets and Lord Register in *Scotland* respectively, or upon either of the same becoming vacant, the Duties of Keeper of the Signet in *Scotland* should be discharged by the Lord Register, and that it should not be lawful to His Majesty, His Heirs or Successors, to grant to any Person who should thenceforth be appointed to discharge the Duties of Lord Register in *Scotland* a higher Salary, nor should any Person who should be appointed to discharge such Duties enjoy a higher Salary in respect of such Appointment, than One thousand two hundred Pounds *per Annum*, and that the Fees payable to the Lord Register for *Scotland*, or in respect of the Duties discharged by any Person or Persons in the Office of the said Lord Register, should continue to be paid and payable and should be applied in the Manner specified in the said Act, and that any Balance of such Fees which should remain should be paid to the Receiver General of *Scotland* at least once in Three Months, or as the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, should direct, and should be paid and accounted for by him with the other Public Monies received by him: And whereas by an Act passed in the Third Year of the

57 G. 3. c. 64.

3 G. 4. c. 62.

the Reign of His Majesty *George* the Fourth, Chapter Sixty-two, passed for the Regulation of the Fees chargeable in the General Register House in *Edinburgh*, it was provided that it should be lawful for the Lord President of the Court of Session in *Scotland*, the Lord Register of *Scotland*, the Lord Advocate of *Scotland*, the Lord Justice Clerk, the Lord Chief Baron of the Court of Exchequer in *Scotland*, and the Lord Chief Commissioner of the Jury Court, all for the Time being, or any Three or more of them, to modify and regulate in such Manner as to them should appear just and proper the Fees which should be payable for or in respect of the Office of Lord Register, or in respect of the Duties discharged by any Person or Persons in the Office of Lord Register: And whereas it is expedient to repeal so much of the said recited Acts as provides that any Salary or Fees should be payable for or in respect of the Office of Lord Clerk Register: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of recited Acts as provides Payment of Salary or Fees to Lord Clerk Register repealed.

I. So much of the said recited Acts as provides the payment of any Salary or Fees for or in respect of the said Office of Lord Clerk Register for *Scotland* shall be and the same is hereby repealed; and from and after the passing of this Act no Salary or Fees shall be payable for or in respect of the said Office; and the like Monies which were applicable before the passing of this Act to the Payment of the Salary of the Lord Clerk Register shall be applied in like Manner with the Balance of the Fees which should remain as directed by the first-recited Act.

CAP. LXXXII.

An Act for making Provision for the good Government and Extension of the University of Durham.—[*6th* August 1861.]

CAP. LXXXIII.

An Act to amend the Law regarding the Registration of County Voters in Scotland.—[*6th* August 1861.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His late Majesty King *William* the

2 & 3 W. 4. c. 65. the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; and another Act was passed in the Seventeenth and Eighteenth Year of the Reign of Her present 17 & 18 Vict. c. 91. Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland: And whereas it is expedient to make further Provision with respect to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. This Act may be cited for all Purposes as "The County Voters Registration (*Scotland*) Act, 1861."

Interpretation of Terms. II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

"Burgh" shall mean any Royal Burgh not contributing as a Burgh to send a Member to Parliament, but entitled under the second-recited Act to appoint a separate Assessor:

"Assessor" shall mean the Assessor of any County or Burgh in and for which he is Assessor appointed under the second-recited Act, or any Assessor specially appointed under the Provisions of this Act, where such last-mentioned Appointment has been made:

"Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitute:

"Sheriff Clerk" shall mean the Sheriff Clerk of the County of which he is Sheriff Clerk, and shall include any Person discharging the Duties of such Sheriff Clerk:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, made up under the Authority of the second-recited Act, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time:

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be inserted once in at least Two Newspapers published in the County, or if there be no Newspaper or only One Newspaper published therein, in any Newspaper or Newspapers published in a County adjoining thereto:

"Proprietor" shall include Life Renter.

Provisions of first-recited Act as to forming Registers of Persons entitled to vote in Counties

III. The Clauses and Provisions of the first-recited Act enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties

Counties in *Scotland* shall be and the same are hereby repealed, except as to any Register heretofore made, and in so far as the same may be necessary to give Effect to the Provisions of this Act; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith. ing Registers of Persons entitled to vote for Counties repealed.

IV. In any future Valuation Roll to be made up in any County or Burgh under the Provisions of the second-recited Act, or of any other Act in force for the Time for the Valuation of Lands and Heritages in *Scotland*, the Assessor of every County or Burgh shall, in addition to the Particulars which are by the said Act required to be ascertained by him, and to be entered in such Roll, ascertain and enter in such Roll the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Lands or Heritages entered in such Roll as of the yearly Rent or Value of Ten Pounds or upwards, and the Name of the Person to whom the said Consideration is payable, and also the Rent, calculated in Terms of the Ninth Section of the first-recited Act, payable by every Tenant holding any Lands or Heritages entered in such Roll as of the yearly Rent or Value of Ten Pounds or upwards, under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks; and in order to the Ascertainment of such Particulars it shall be lawful for the Assessor to call upon any Proprietor or Tenant for Receipts or other written Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, or of such Rent, and such Proprietor or Tenant shall be bound to furnish and deliver such Evidence to the Assessor, under the same Penalty in case of Failure or of false Statement as is provided in similar Cases by the second-recited Act, and it shall also be lawful for the Assessor to exercise all the Powers which under the second-recited Act he may lawfully exercise for the Purposes thereof; and when the Proprietor is a married Woman the Assessor shall further insert in such Roll the Name and Designation of her Husband. Future Valuation Rolls of Counties or Burghs to set forth additional Particulars.

V. The Valuation Rolls of Counties and Burghs shall for the future be annually made up in the Form of the Schedule (A.) hereunto annexed, in place of the Form prescribed by the second-recited Act: Provided that it shall be competent to the Commissioners of Supply of any County, or the Magistrates of any Burgh, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County or Burgh respectively, such Alteration in the Form of the said Schedule, where this shall be found necessary or convenient, as may make it applicable to One Year only, or to any less Number of Years than Five Years. Form for future Valuation Rolls of Counties to be as in Sched. (A.)

VI. The Sheriff Clerk of every County shall, on or before the Thirtieth Sheriff Clerk to

deliver annually to Assessors a Copy of the Register of Voters.

Thirtieth Day of *June* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, make and cause to be delivered to the Assessor of such County, where there is but One Assessor, and where there is more than One Assessor then to the Assessor specially appointed as is herein-after provided, a Copy of the Register of Voters then in force for such County, arranged alphabetically in Parishes.

Assessors to be nominated specially for this Act.

VII. If in any County there shall be more than One Assessor in and for such County, or if there shall be a separate Assessor for any Burgh situate therein, then the Commissioners of Supply of the County shall, within Three Weeks after the passing of this Act, appoint One of such Assessors to perform the Duties herein-after imposed on such Assessor under this Act, and give Notice of such Appointment by special Advertisement: and failing such Appointment and Advertisement being duly made by the Commissioners of Supply, the same shall be made by the Sheriff of the County within Five Weeks after the passing of this Act; and every such Assessor so appointed shall from the Date of his Appointment be specially charged with all the Duties incumbent on the Assessor under this Act; and where in any County the Assessor so appointed shall cease to hold Office, the Commissioners of Supply shall within Three Weeks thereafter appoint another Assessor to act as aforesaid, and shall give Notice by special Advertisement of such Appointment as before provided; and in the event of such Commissioners failing so to do, such Appointment and Advertisement shall be made by the Sheriff of the County within Five Weeks after any Assessor shall have ceased to hold Office as aforesaid: Provided that all other Assessors in any County or Burgh situate therein shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessor to make up annually a List of Changes in Register, as in No. 1. of Sched. (B.)

VIII. On or before the Fifteenth Day of *August* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, the Assessor shall make out and subscribe, according to the Form No. 1. of the Schedule (B.) to this Act annexed, a List, arranged alphabetically in Parishes, of all Persons entered in the Register of Voters for the County who have died or become disqualified, and a like List of all Persons who shall appear from the Valuation Roll to have become entitled to vote in the Election of a Member of Parliament for the County, and shall give Notice by special Advertisement that such Lists have been prepared, and shall specify in such Advertisement the Office or Place at which such Lists shall be open to Inspection, and shall cause a written or printed Copy of such

such Lists, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such Lists shall be open to Inspection by any Person in the Office or Place specified in such Notice, without payment of any Fee, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive, in each Year, and Copies thereof or of Parts thereof shall be delivered by the Assessor to all Persons applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Words so copied: Provided always, that in making out the List of Persons who shall appear, from the Valuation Roll, to be entitled to vote in the Election of a Member of Parliament, the Assessor shall not transfer to the said List the Name of any Proprietor the Value of whose Property, as entered in the said Valuation Roll, shall, after deducting the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable by such Proprietor as a Condition of his Right, be reduced below Ten Pounds, nor of any Proprietor who shall have failed to furnish Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, as required by Section Fourth of this Act, nor of any Tenant under a Lease of Fifty-seven Years or upwards when the Rent payable under such Lease, as the Consideration of the Right, shall reduce the Value of such Lease below Ten Pounds, nor of any such Tenant who shall have failed to furnish Evidence of the Amount of such Rent, as required by the said Section.

Persons omitted from Register may claim to be registered, as in No. 1. Sched. (C.)

IX. It shall be lawful for any Person whose Name has been erroneously struck out or omitted from the Register of Voters, or from the List of Voters made up by the Assessor, to give Notice to the Assessor on or before the Twenty-fifth Day of *August* in any Year, in the Form No. 1. of the Schedule (C.) to this Act annexed, of his Claim to have his Name entered in the Register of Voters for the County, on the Ground that he has one or other of the Qualifications required by the first-recited Act.

Assessor to make up and publish List of Claims, as in No. 2. of Sched. (B.)

X. On or before the First Day of *September* in every Year the Assessor shall make up a List of the Claims of which Notice has been given to him, in the Form No. 2. of the Schedule (B.) to this Act annexed, with the Names of the Persons claiming arranged alphabetically in Parishes, and shall give Notice by Special Advertisement that such List of Claims has been prepared, and shall specify in such Notice the Office or Place at which such List will be open to Inspection; and shall cause a written or printed Copy of such List, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door

Door of the Church of such Parish; and Copies of such List shall be open to Inspection from the Second to the Fourteenth Days of *September*, both inclusive, in each Year; and Copies of such List, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as hereinbefore provided.

Assessor to correct Lists, and deliver Copy of Register to Sheriff Clerk.

XI. The Assessor shall on a Copy of the Register furnished to him by the Sheriff Clerk strike out the Names of all Persons entered therein and included in the said first-mentioned List who have died or become disqualified, and add in alphabetical Order in each Parish the Names of all Persons who have become entitled to vote, and shall on or before the First Day of *September* in each Year deliver to the Sheriff Clerk of the County a complete Copy of the Register, subscribed by him, with all such Alterations thereon and Additions thereto.

Names may be omitted by Desire.

XII. If any Person shall intimate in Writing to the Assessor his Desire that his Name shall not be inserted in any such List, the Assessor shall not insert in such List the Name of such Person.

Assessors disqualified from voting.

XIII. Every Assessor, whether acting under this or the second-recited Act, shall, while he continues such Assessor, be disqualified from being registered as a Voter in the County of which he is Assessor, and from voting or taking part in any Election of a Member to serve in Parliament for such County.

Provision for filling up ad interim Offices on the Holders of which Duties are imposed by this Act.

XIV. Where in any County any Office upon the Holder of which Duties are imposed by this Act shall become vacant, it shall be lawful for the Sheriff to appoint a fit Person to perform ad interim the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by the Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office which had become vacant.

Provision as to Service of Notices.

XV. Where any Notice is by this Act required to be given to the Sheriff Clerk or Assessor, it shall be sufficient if such Notice be delivered to him personally, or left at his principal Office, or sent to him by Post in a registered Letter addressed to him at his principal Office; and where by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be delivered to him personally, or sent in a Letter by Post, Postage paid, addressed to him, with a sufficient Direction, at his usual or last known Place of Abode.

Lists put up to be

XVI. Where any List shall, pursuant to the Provisions of this

this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice. maintained and Provision for replacing same.

XVII. Every Person who shall wilfully mutilate or remove any List so affixed during such Period shall for every such Offence be liable to a Penalty of not less than Ten Shillings and not exceeding Forty Shillings, to be recovered by any Person who may sue for the same, in a summary Manner, before the Sheriff or any Two Justices of the Peace. Penalty for injuring Lists put up.

XVIII. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place and for the full Time herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided that nothing herein contained shall be construed to exempt any Assessor or other Person, acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred. Lists not invalidated by deficient Publication.

XIX. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any Public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted. Errors of Officers not to affect Claims.

XX. Any Person whose Name shall be on the Register or any List of Voters for the County, or who shall have claimed to have his Name inserted in any such Register or List, may, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of any Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October* in each Year, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee. Valuation Rolls to be open to Inspection for the Purposes of this Act.

XXI. It shall be lawful for any Person whose Name shall be entered on the Register of Voters for any County to object to the Name of any other Person being entered or remaining on the Register of Voters of such County, provided such Person, on or before the Twenty-fifth Day of *August* in any Year, give to the Assessor and to the Person so objected to Notices of Objection in the Forms No. 2. and No. 3. of the Schedule (C.) to this Act annexed. Objection to Persons on the Register, or claiming to be put on the Register as in No. 2. and No. 3. of Sched. (C.)

XXII. On or before the First Day of *September* in every Year List of Ob-

jections made up by Assessor.

Year the Assessor shall make up a List of the Objections to Claims of which Notice has been given to him on or before the Twenty-fifth Day of *August* preceding, arranged alphabetically in Parishes, in the Form No. 3. of the Schedule (B.) to this Act annexed; and such List of Objections shall be affixed, published, and open to Inspection at the same Places and during the same Time as is herein-before provided with respect to the List of Claims; and Copies of such List of Objections, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as herein-before provided.

Sheriff to hold Courts for Revisal and Correction of Register.

XXIII. Every Sheriff shall, between the First Day of *September* and the Fifth Day of *October* in each Year, revise and correct the Register of Voters for the County, and for that Purpose shall hold open Court at the Places prescribed in the first-recited Act, and shall, on or before the First Day of *September* in each Year, deliver or transmit to the Sheriff Clerk a Notice of the Days on which he is to hold the Court; and the Sheriff Clerk shall forthwith give Notice thereof by special Advertisement, and shall also give Notice to the Assessor, requiring him to attend at the Court.

Sheriff Clerk to produce Lists prepared by Assessor, and Notices of Claim and of Objection.

XXIV. The Assessor shall, on or before the First Day of *September* in each Year, deliver to the Sheriff Clerk the Lists of Voters made out by him as before provided, and the Lists of Persons claiming and objected to; and the Sheriff Clerk shall lay before the Sheriff, at or prior to the holding of the Registration Court, the corrected Copy of the Register of Voters and the Lists delivered to him by the Assessor; and the Assessor shall attend the Court, and shall deliver to the Sheriff the original Notices of Claims and Objections; and the Valuation Roll for the Year shall be laid on the Table of the Court by the Person having the Custody of the same; and the Sheriff may require the Production of all Documents in the Hands of any Sheriff Clerk, Clerk of Supply, or Assessor which he may think necessary.

Assessor to maintain Lists, and answer Objections thereto, and Claims and Objections to be disposed of.

XXV. It shall be the Duty of the Assessor to maintain the Register and the List of Voters prepared by him, and to answer, so far as he can, any Objections with respect to the undue Omission or the undue Insertion of the Name of any Person in such Register or Lists; and it shall be lawful for any Person who shall have given any Notice of Claim or any Notice of Objection to support the same before the Court, by himself, his Agent or Mandatory; and the Sheriff shall decide on all such Claims and Objections summarily, and without any Record or written Pleadings, and shall, if necessary, alter the Register in conformity with such Decision, and such Decision shall be final, excepting

excepting as herein-after provided; and every Mandate produced to the Court, and bearing to be signed by any Person entitled to give or to support any Notice of Claim or of Objection, shall be *primâ facie* a sufficient Mandate, and shall have all the Privileges of a judicial Mandate.

Claimants omitted in Lists may be enrolled by Sheriff.

XXVI. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the Register or List of Persons entitled to vote in the Election of a Member to serve in Parliament for any County shall have been omitted by the Assessor from such Register or List, the Sheriff shall, on the Revision of such Register, insert therein the Name of the Person so omitted, if it shall be proved to the Satisfaction of the Sheriff that such Person is, and was on the Thirty-first Day of *July* last preceding, entitled to be inserted therein in respect of the Qualification described in such Notice of Claim.

Claims omitted may be objected to.

XXVII. It shall be lawful for any Person whose Name shall be on the Register or List of Voters for any County to oppose the Claim of any Person to have his Name inserted in the Register for such County on the Ground of his Name having been omitted; and such Person intending to oppose any such Claim shall, in the Court to be held for the Revision of such Register, and before the Hearing of such Claim, give Notice in Writing to the Sheriff of his Intention to oppose such Claim, and shall thereupon be admitted to oppose the same by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeals, and other Matters relating to the Hearing and Determination of such Claim as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs may grant Warrant to cite Parties, &c., and grant Diligence for Recovery of Writings.

XXVIII. It shall be lawful for the Sheriff, upon *ex-parte* Application made to him to that Effect by any Claimant or Objector, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim or Objection to be discussed before any Registration Court to be held by the Sheriff of the County.

Sheriffs may adjourn Registration Courts, but not beyond 5th October.

XXIX. Every Sheriff holding any Court under the first-recited Act or this Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, but so that no such adjourned Court shall be held after the Fifth Day of *October* in any Year.

Sheriff Clerks to

XXX. The Sheriff shall, on or before the Fifth Day of *October* in each Year, authenticate the Register by subscribing the same, and shall mark with his Signature or Initials every Alteration of or Addition to the Register; and the Sheriff Clerk shall forthwith

enter and authenticate Register.

forthwith cause the Register, signed as aforesaid, to be entered in a Book, with the Names in each Parish arranged in strict alphabetical Order, according to the Surnames, and shall in such Book prefix to every Name its proper Number, beginning the Numbers from the First Name, and continuing them in a regular Series down to the last Name; and the Sheriff Clerk shall sign such Book, and deliver the same, on or before the Thirty-first Day of *October* in each Year, to the Sheriff, to be kept by him for the Purposes specified in the first-recited Act and this Act.

Register, signed by Sheriff Clerk, to be the Register of Voters.

XXXI. The Book so signed as aforesaid by the Sheriff Clerk, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the County between the Thirty-first Day of *October* in the Year in which such Register shall have been made and the First Day of *November* in the succeeding Year; and the Sheriff Clerk shall keep a Copy of such Register, and shall deliver a Copy thereof or of any Part thereof to any Person applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Names copied: Provided that the Registers of Electors made up in the Year One thousand eight hundred and sixty-one shall be the Registers in force for Elections of Members to serve in Parliament until the First Day of *November* One thousand eight hundred and sixty-two.

Sheriff to cause printed Copies of Register to be entered in Books.

XXXII. The Sheriff shall, in addition to the said General Register, cause printed Copies of the same to be entered in a Book or Books, according to the Number of Polling Districts in each County, embracing the Parishes respectively attached to each District.

Register of Voters to be in force till revised and altered.

XXXIII. Every Register of Voters made up or that shall be made up for any County under the Provisions of this Act shall be the Register for such County until the same shall be revised and altered, pursuant to this Act, and shall for all Purposes come in place of the Register directed to be completed by the first-recited Act.

Persons dissatisfied with Judgment of Sheriff may appeal on Points of Law to Lords Ordinary.

XXXIV. If any Person whose Name shall have been struck out of the Register by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may, either himself or by some Person on his Behalf, in open Court, require the Sheriff to state the Facts of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff shall prepare and sign such Case, and deliver the same in open Court to the Sheriff Clerk; and such Person, or some Person on his Behalf, may thereupon, in open Court,

Court, declare his Intention to appeal against the said Decision, and may within Ten Days of the Date of such Case lay a certified Copy thereof before the Senior Lord Ordinary and the Lord Ordinary in Exchequer Causes in the Court of Session, for their Decision thereon; and the said Judges shall with all convenient Speed hear Parties and give their Decision on such Case, and shall confirm or reverse the Decision of the Sheriff; and in the event of Reversal the Register shall be forthwith altered accordingly, by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgment respecting the Qualifications of any Two or more Persons depends on the same Question of Law, he shall append to such Special Case the Names of all such Persons who have appealed against his Judgment on their respective Claims; and the Decision of the said Judges on such Special Case shall extend and apply to the Qualifications of all such Persons, in like Manner as if a separate Appeal had been taken in the Case of each of them; and the Decision of the said Judges shall be final, and not subject to Appeal or Review by any Court or in any Manner whatsoever.

Dependence of Appeal not to affect Right of voting, and Decision on a depending Appeal not to affect Poll.

XXXV. The Right of voting at any Election of a Member to serve in Parliament shall not be affected by any such Appeal depending at the Time of issuing the Writ for such Election, and it shall be lawful for every Person whose Name has been entered on the Register of Voters to exercise the Right of voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were depending; and the subsequent Decision in any Appeal which shall be depending at the Time of the issuing of the Writ for any such Election shall not in any way whatever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officers.

Penalty on Persons not attending Registration Courts when required.

XXXVI. Any Person who shall wilfully refuse or neglect, when duly required by the Sheriff, to attend as a Witness or a Haver before him at any Court to be held under the first-recited Act or this Act, or who shall refuse to produce any Documents or Writings in his Possession or Power, shall for every such Offence be liable to a Fine of not less than One Pound and not exceeding Five Pounds, to be imposed by and at the Discretion of the Sheriff.

Sheriff may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXVII. It shall be lawful for the Sheriff to award Expenses against any Person maintaining any frivolous Objection to the Claim of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Process awarded by the Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of the first-recited Act or this Act, shall be entitled to demand, from the Person citing them

them or causing them to be cited as such Witnesses or Havers, their reasonable Expenses, in the same Manner and at the same Rate of Payment as any Witness or Haver cited as such to any ordinary Civil Court; and the Lord Ordinary shall have Power to award the Costs of any Appeal.

Penalties on Assessors and others for Neglect of Duty.

XXXVIII. Any Assessor who shall wilfully refuse or neglect to make out any List of Voters, or who, in making out any such List, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or any List of Voters or of Claims, at the Time and in the Manner required by this Act, and any Sheriff Clerk who shall culpably neglect to make up any List of Claims or Register of Voters pursuant to this Act, and any Assessor or Sheriff Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to a Fine of not less than Five Pounds and not exceeding Twenty Pounds, to be imposed by and at the Discretion of the Sheriff.

Penalties to be applied for the Purposes of this Act.

XXXIX. The Sheriff, when and so often as he shall impose any Fine under the Authority of this Act, shall at the same Time, in open Court, by an Order in Writing stating the Amount of such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Fine shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the making up of the Register of Voters for any County, he shall pay over the Sum so received by him to the Assessor of such County for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XL. The Sheriff Clerk shall keep an Account of all Monies received by him for Copies of the Register of Voters or List of Claims, or Parts thereof, or otherwise under this Act, and shall account for and pay over the same to the Assessor of the County for the Purposes of this Act; and the Assessor shall keep an Account of all Monies received by him for Copies of the Lists of Voters or Parts thereof, or otherwise under this Act, and shall account for the same for the Purposes of this Act.

Expenses of annual Registrations, how to be defrayed.

XLI. As soon as may be after the Completion of each annual Registration under this Act the Commissioners of Supply of each County shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County, and shall ascertain and fix the Amount thereof, including therein the Remuneration to Assessors which they may deem proper, and shall also cause an Account to be made up of all

all Monies which shall have been received by the Assessor under this Act for the Purposes thereof; and where the Amount of the Costs and Expenses so ascertained shall exceed the Amount of the Monies received for the Purposes of this Act, the said Commissioners shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied on the Lands and Heritages within such County, exclusive of any Lands and Heritages within the Parliamentary Bounds of any Burgh returning or contributing to return a Member to Parliament, according to the yearly Rent or Value of such Rents and Heritages, and to be collected along with any County Rate for the current Year; and any Balance of Funds remaining on hand from Time to Time in such County arising from such Assessment under this Act in any Year, after paying the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the said Commissioners in such Manner as they think fit for defraying the Expenses of Registration under this Act in subsequent Years, but for no other Use or Purpose whatever: Provided always, that no County shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses: Provided also, that nothing herein contained shall alter the Provisions of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her Majesty, Chapter Fifty-eight, to amend the second-recited Act. 20 & 21 Vict. c. 58.

XLII. At every future Election for a Member to serve in Parliament for any County the Register of Voters made up as herein-before provided shall be deemed and taken to be conclusive Evidence that the Persons therein named have the Qualifications which are annexed to their Names respectively in the Register in force at the Time of such Election: Provided always, that if any registered Voter shall, after the Completion of the Register in any Year, have ceased to be the Proprietor or the Occupant, as the Case may be, of the Property in respect of which he was enrolled, he shall not be entitled to vote unless he have retained or acquired a Qualification which would entitle him to have his Name continued or inserted on the Register. Register to be conclusive Evidence of Qualification.

XLIII. Any Person whose Name shall appear in the Register of Voters for any Parish in any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, may claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in the Register of Voters for any County, and whose Place of Abode shall not be within the County, County Voters may be transferred from one Polling District to another.

County, may in like Manner claim to vote at the Polling Place of any District within such County; and every such Person shall make such Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall be lawful for the Sheriff, in his Registration Court, to insert in the Register of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every Election for the County at the said last-mentioned Polling Place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

Misnomer not to vitiate.

XLIV. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any List or Register of Voters, or in any Notice required by this Act, shall prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing: provided that such Person, Place, or Thing shall be so named or described in such List, Register, or Notice as to be commonly understood: and it shall be lawful for the Sheriff, in his Registration Court, if it shall appear to him that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such List, Register, or Notice to be corrected or supplied.

Repeal of Part of Sect. 26. of 2 & 3 W. 4. c. 65., and a Declaration as in Sched. (D.) substituted for Oath, &c.

XLV. The following Words in Section Twenty-six of the first-recited Act are hereby repealed: that is to say, the Words "of his being still possessed of the Qualification there recorded, "on his own Account, and not in trust for or at the Pleasure of "any other Person;" and a Declaration in the Form of the Schedule (D.) to this Act annexed shall be substituted for the Oath or solemn Affirmation in the Form of the Schedule (I.) annexed to the first-recited Act; and wherever, according to the Provisions of the said Act, an Oath or solemn Affirmation, as the Case may be, in the Form of the Schedule (I.) to the said Act annexed, may be put and is required to be taken, there shall be put and be required to be made a Declaration in the Form of the Schedule (D.) to this Act annexed; and the said Act shall for the future be read and construed as if the Schedule (D.) to this Act annexed were the Schedule (I.) annexed to the said Act; and if any Person shall wilfully make the said Declaration, knowing the same to be false, he shall be guilty of a Crime and Offence, and shall be liable to be prosecuted accordingly, and punished by Fine or Imprisonment.

Commencement of Act.

XLVI. This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-two.

SCHE-

SCHEDULE (A.)

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Feu Duties to whom payable.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.				1861.	1862.	1863.	1864.	1865.
1	Farm of	A. B. of C.	E.F., residing at	G.H., residing at	G.H., residing at	G.H., residing at	—	—	—	£60	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	£60	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	£65	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	£65	—
2	Manor House and Grounds of	A. B. of C.	L.M., Advocate	L.M., Advocate	—	—	—	—	—	£40	—	—	—	£65
—	—	—	O.P. of Q.	—	—	—	—	—	—	—	£40	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	£40	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	£40	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	£40

SCHE-

SCHEDULE (B).

Forms of Lists.

No. 1.

County of

List of Persons entered in the Register of Voters for the County of who have died or become disqualified, and of Persons who have become entitled to vote in the Election of Members of Parliament for the said County, in respect of Lands and Heritages situate in whole or in part within the following Parishes :—

(1.) Parish of

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Dead or become disqualified.	In the Case of Persons who have become entitled to vote.	
			Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any), or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them; and the Situation of the Property.
C. D.	*of G.*	*dead.*		
E. F.	*residing at*	*disqualified.*		

(Signed) A. B.
Assessor of the County of

No. 2.

County of

List of Persons who have given Notice to the Assessor on or before the 25th Day of August 18 of Claims to be entered in

in the Register of Voters for the Election of a Member of Parliament for the County of

(1.) Parish of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situate.

(Signed) A. B.
Assessor of the County of

No. 3.

County of

List of Persons objected to as not being entitled to have their Names entered or retained on the Register of Voters for the Election of a Member of Parliament for the County of

Christian Name and Surname of each Person objected to at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the qualifying Property is situate, &c.	Parish in which Property is situate.

(Signed) A. B.
Assessor of the County of

SCHE-

SCHEDULE (C.)

Forms of Notices.

No. 1.

Notice of Claim to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I claim to have my name entered in the Register of Voters for the Election of a Member of Parliament for the County of and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of 18 .

(Signed) C. D.

Christian Name and Surname of each Claimant, at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 2.

No. 2.

Notice of Objection to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I object to the Name of the Person named and described below being entered [*or* retained] in the Register of Voters for the County of

Christian Name and Surname of the Person objected to at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the qualifying Property is situate, &c.	Parish in which Property is situate.

Dated the Day of 18 .

(Signed) E. F.

(Designation and Place of Abode.)

No. 3.

Notice of Objection to be given to Person objected to by any Person other than the Assessor.

County of , Parish of

To Mr of

Take notice, That I object to your Name being entered [*or* retained] in the Register of Voters for the County of

Dated this Day of 18 .

(Signed) E. F.

(Designation and Place of Abode.)

SCHEDULE (D.)

I *A.B.* declare, That I am the Person whose Name appears on the Register of Voters now in force for the County of as *A.B.* [*Name and Surname, and Place of Abode, as in Register*], and that I have not before voted at this Election, and that I am possessed of a Qualification which entitles me to vote at this Election.

CAP. LXXXIV.

An Act to amend the Law in Scotland *relative to the Resignation, Powers, and Liabilities of gratuitous Trustees.*—[6*th* August 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

What Trusts hereafter constituted shall be held to include.

I. All Trusts constituted by virtue of any Deed or Local Act of Parliament under which gratuitous Trustees are nominated shall be held to include the following Provisions, unless the contrary be expressed; that is to say, Power to any Trustee so nominated to resign the Office of Trustee; Power to such Trustee, if there be only One, or to the Trustees so nominated, or a Quorum of them, to assume new Trustees; a Provision that the Majority of the Trustees accepting and surviving shall be a Quorum; and a Provision that each such Trustee shall only be liable for his own Acts and Intromissions, and shall not be liable for the Acts and Intromissions of Co-Trustees, and shall not be liable for Omissions.

Not to affect Liabilities incurred by Trustees prior to Resignation, &c.

II. Nothing contained in this Act shall affect any Liability incurred by any gratuitous Trustee prior to the Date of any Resignation or Assumption under the Provisions of this Act, nor any Action at Law commenced before the passing of this Act.

Construction of the Term "Gratuitous Trustee."

III. A gratuitous Trustee shall, for the Purposes of this Act, be held to be any Trustee who receives no pecuniary or valuable consideration for performing the Duties of a Trustee, and is under no Obligation, without special Acceptance of such Office, to discharge the Duties of Trustee: Provided always, that nothing in this Act shall extend to any Trustee appointed under the Contract of any Trading Company.

CAP. LXXXV.

An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.—[6*th* August 1861.]

CAP. LXXXVI.

An Act to amend the Law regarding Conjugal Rights in Scotland.—[6*th* August 1861.]

WHEREAS it is expedient to amend the Law of *Scotland* relating to Husband and Wife: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Wife deserted by her Husband may apply for an Order to protect Property which she has or may acquire by her own Industry, or which she may succeed to.

I. A Wife deserted by her Husband may, at any Time after such Desertion, apply by Petition to any Lord Ordinary of the Court of Session, or in the Time of Vacation to the Lord Ordinary on the Bills, for an Order to protect Property which she has acquired or may acquire by her own Industry after such Desertion, and Property which she has succeeded to or may succeed to or acquire Right to after such Desertion, against her Husband or his Creditors, or any Person claiming in or through his Right; and the Lord Ordinary shall appoint such Petition to be intimated in the Minute Book of the Court of Session, and to be served upon the Husband; and the Husband, or any Creditor of the Husband, or any other Person claiming in or through his Right, shall be entitled to lodge Answers to the said Petition, and if the Husband be furth of *Scotland*, the Petition shall be executed edictally against him on an Induciæ of Twenty-one Days; and upon considering such Petition the Lord Ordinary shall require Evidence of such Desertion, and on being satisfied thereof pronounce an Interlocutor giving to the Wife Protection of her Property as aforesaid against the Husband and all Creditors or Persons claiming under or through him; and if Answers be lodged to the said Petition, the Lord Ordinary may, on considering the same, and, if he consider it necessary, after hearing Parties, allow a Proof to them of their respective Averments, which Proof he shall take himself, and either write the Evidence with

with his own Hand, in which Case it shall be read over to the Witness by the Judge, and signed by the Witness, if he can write, or the Lord Ordinary shall record the Evidence by dictating it to a Clerk, in which Case it shall, when taken down, be read over and signed as above; or the Lord Ordinary shall cause the Evidence to be taken down and recorded by a Writer, skilled in Shorthand Writing, in manner after mentioned, and it shall be competent to the Lord Ordinary, in special Cause shown, instead of taking such Proof, to grant a Commission to take said Proof elsewhere than in *Edinburgh*, in which Case he may pronounce an Interlocutor setting forth such special Cause, and granting Commission to take such Proof, and if satisfied after Proof of the Fact of such Desertion, and that the same was without reasonable Cause, he shall pronounce an Interlocutor giving to the Wife Protection as aforesaid, and he shall appoint Intimation of the said Interlocutor having been pronounced to be made in One or more Newspapers published within the County within which the Wife is resident, or in such other Newspapers as the Lord Ordinary may appoint.

Husband or Creditor may apply by Petition for Recal of Order.

II. It shall be lawful for the Husband, or any Creditor or other Person claiming in or through his Right, if such Creditor, Husband, or other Person have not lodged Answers as aforesaid, to apply by Petition to the Lord Ordinary by whom such Order was made for the Recal thereof; and the Lord Ordinary shall appoint such Petition to be answered by the Wife, and thereafter dispose of the Application as he shall think just; but such Recal shall not affect any Right or Interest onerously and *bonâ fide* acquired by any Third Party from the Wife before said Recal; and the Lord Ordinary shall direct that Publication of his Interlocutor be made in manner herein-before provided.

Interlocutors may be reviewed.

How long Order of Protection to continue operative.

III. All Interlocutors of the said Lord Ordinary may be brought under Review of either Division of the Court of Session, by lodging and boxing within Twenty-one Days after the pronouncing of such Interlocutors, if in Session; and if the said Twenty-one Days shall expire during Vacation, by lodging in the Bill Chamber a Reclaiming Note and boxing the same at the First Box Day after the Expiry of the said Twenty-one Days: Provided always, that, notwithstanding such Reclaiming Note, the Interlocutor of the Lord Ordinary granting Protection shall take effect when intimated as aforesaid, unless the Lord Ordinary, either at the Time of the pronouncing thereof or within Forty-eight Hours thereafter, order that his Interlocutor shall not take effect till the advising of the Reclaiming Note, or such other Period as he may think fit; and such Order of Protection shall, where there has been Appearance by the Husband, continue operative until such Time as the Wife shall again cohabit with her Husband,

or

or until the Lord Ordinary, upon a Petition by the Husband, shall be satisfied that he has ceased from his Desertion, and cohabits with his Wife; and the Lord Ordinary may require him to find Security for such Period as may be appointed, that he shall continue to cohabit with her; and upon the Lord Ordinary being so satisfied, and Security found, if required, he shall recal the Order of Protection; but such Recal shall not affect any Right or Interest acquired by the Wife while the said Order subsisted, which Right and Interest shall remain vested in her, exclusive of her Husband's Jus mariti and Right of Administration; nor shall it affect any Right or Interest acquired by a Third Party during such Period, or any Third Party through or from her, while the said Order subsisted; and until such Order be recalled it shall not be competent for the Husband to institute an Action of Adherence against his Wife; and the Lord Ordinary shall direct that Publication of its Recal be made in manner herein-before provided.

No Action of Adherence competent while Order subsists.

IV. After an Interlocutor of Protection is pronounced, and duly intimated, the Property of the Wife as aforesaid shall belong to her as if she were unmarried: Provided always, that such Protection shall not extend to Property acquired by the Wife of which the Husband or his Assignee or Disponee has before the Date of presenting said Petition obtained full and complete lawful Possession, nor shall such Protection affect the Right of any Creditor of the Husband over Property which he has before the Date thereof duly attached by Arrestment, followed by a Decree of Forthcoming, or which such Creditor has before the said Date duly poinded, and of which he has carried through and reported a Sale.

After Interlocutor of Protection is pronounced, Property of Wife to belong to her as if unmarried.

V. If any such Order of Protection be made and intimated, it shall have the Effect of a Decree of Separation *a mensâ et thoro* in regard to the Property, Rights, and Obligations of the Husband and of the Wife, and in regard to the Wife's Capacity to sue and be sued.

Order of Protection to have Effect of Decree of Separation.

VI. After a Decree of Separation *a mensâ et thoro* obtained at the Instance of the Wife, all Property which she may acquire, or which may come to or devolve upon her, shall be held and considered as Property belonging to her, in reference to which the Jus mariti and Husband's Right of Administration are excluded, and such Property may be disposed of by her in all respects as if she were unmarried, and on her Decease the same shall, in case she shall die intestate, pass to her Heirs and Representatives, in like Manner as if her Husband had been then dead; provided that if any such Wife should again cohabit with her Husband all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use,

In case of Separation the Property of the Wife to belong to her exclusively of the Jus mariti and Right of Administration;

Use, and the Jus mariti and Right of Administration of her Husband shall be excluded in reference thereto, subject, however, to any Agreement in Writing made between herself and her Husband; and the Wife shall, while so separate, be capable of entering into Obligations, and be liable for Wrongs and Injuries, and be capable of suing and being sued, as if she were not married; and her Husband shall not be liable in respect of any Obligation or Contract she may have entered into, or for any wrongful Act or Omission by her, or for any Costs she may incur as Pursuer or Defender of any Action, after the Date of such Decree of Separation and during the Subsistence thereof; provided that where upon any such Separation Aliment has been decreed or ordered to be paid to the Wife and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use.

also for Purposes of Contract and suing.

In Action of Divorce Adulterer to be Co-Defender.

VII. In every Action of Divorce for Adultery at the Instance of the Husband it shall be competent to cite, either at the Commencement or during the Dependence thereof, as a Co-Defender along with the Wife, the Person with whom she is alleged to have committed Adultery; and it shall be lawful for the Court in such Action to decern against the Person with whom the Wife is proved to have committed Adultery for the Payment of whole or any Part of the Expenses of Process, provided he has been cited as aforesaid, and the same shall be taxed as between Agent and Client: Provided always, that it shall be competent to examine the Person with whom the Wife is said to have committed Adultery as a Witness in the Cause, notwithstanding he is called as a Co-Defender in the Action, and in the Power of the Court, on Cause shown, to dismiss such Action as regards such Co-Defender, if in their Opinion such a Course is conducive to the Justice of the Case.

Lord Advocate may enter Appearance in Actions for Nullity of Marriage and Divorce.

VIII. It shall be competent to the Lord Advocate to enter Appearance as a Party in any Action of Declarator of Nullity of Marriage or of Divorce; and it shall be competent to him to lead such Proof and maintain such Pleas as he may consider warranted by the Circumstances of the Case; and the Court shall, whenever they consider it necessary for the proper Disposal of any Action of Declarator of Nullity of Marriage or of Divorce, direct that it be laid before the Lord Advocate, in order that he may determine whether he should enter Appearance therein; and Expenses shall not be claimable by or against the Lord Advocate with reference to such Cases.

In Action for Separation, Court may make Interim

IX. In any Action for Separation *à mensâ et thoro* or for Divorce the Court may from Time to Time make such Interim Orders, and may, in the Final Decree, make such Provision as to it shall seem just and proper with respect to the Custody, Maintenance,

tenance, and Education of any Pupil Children of the Marriage to which such Action relates.

Orders with respect to Children.

X. In every Consistorial Action the Summons shall be served upon the Defender personally, when he is not resident within *Scotland:* Provided always, that if it be shown to the Satisfaction of the Court that the Defender cannot be found, Edictal Citation shall be deemed sufficient; but in every Case where the Citation is edictal the Pursuer shall also serve the Summons on the Children of the Marriage, if any, and on One or more of the Next of Kin of the Defender, exclusive of the Children of the Marriage, when the said Children and Next of Kin are known, and resident within the United Kingdom, and such Children and Next of Kin, whether cited or so resident or not, may appear and state Defences to the Action.

In every Consistorial Action the Summons to be served on Defender personally when not within Scotland.

XI. It shall not be necessary, prior to any Action for Divorce, to institute against the Defender any Action of Adherence, nor to charge the Defender to adhere to the Pursuer, nor to denounce the Defender, nor to apply to the Presbytery of the Bounds, or any other Judicature, to admonish the Defender to adhere.

Not necessary to institute an Action of Adherence against Defender prior to Action for Divorce.

XII. The Widow of any Person who shall, after the passing of this Act, die infeft in Property held by Burgage Tenure shall be entitled to Terce therefrom; and the like Proceedings as to Service and Kenning before the Sheriff shall be competent in such a Case as are competent with reference to Property in respect of which Terce might have been claimed prior to the passing of this Act.

Terce claimable from Burgage Property.

XIII. The Forty-first Section of the Act of the First Year of His late Majesty *William* the Fourth, Chapter Sixty-nine, in so far as it enacted that "it shall be lawful for His Majesty's Prin- "cipal Secretary of State for the Home Department to appoint "from Time to Time such Number of Persons, being Sheriffs- "Depute of Counties, as he shall think fit, to take Proofs in "Consistorial Causes, which Duty the Persons so appointed shall "perform;" and the Second Section of the Act of the Sixth and Seventh Years of His late Majesty *William* the Fourth, Chapter Forty-one, shall be and the same are hereby repealed; and in place thereof it is hereby enacted, That where Proof in Consistorial Actions shall be allowed, a Diet of Proof shall be appointed, at which the Evidence shall be led before the Lord Ordinary, and he shall take himself, and either write down with his own Hand the oral Evidence, in which Case it shall be read over to the Witness by the Judge in open Court, and shall be signed by the Witness, if he can write, or the Lord Ordinary shall record the Evidence by dictating it to a Clerk, in which Case it shall, in like Manner, be read over and signed; or the Lord Ordinary shall cause it to be taken down and recorded in Shorthand by a Writer

Lord Ordinary to take Proofs in Consistorial Actions.

Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered, and the Lord Ordinary may, if he think fit, dictate to the Shorthand Writer the Evidence which he is to record; and the said Shorthand Writer shall afterwards write out in full the Evidence so taken by him; and the Notes of the Judge, or the extended Notes of such Writer, certified by the presiding Judge to be correct, shall be the Record of the oral Evidence in the Cause: and the Lord Ordinary shall take a Note of the Documents adduced, and any Evidence, whether oral or written, tendered and rejected, with the Ground of such Rejection; and any Ruling of the Lord Ordinary in reference to the Admission or Rejection of Evidence may be recalled or altered by the Inner House, under a Reclaiming Note against the final Interlocutor of the Lord Ordinary, disposing of the Merits of the Cause; and the Diet of Proof may be adjourned by the Lord Ordinary, if he shall consider it proper and reasonable so to do; but the Proofs shall be taken as far as may be continuously, and with as little Interval as the Circumstances or the Justice of the Case will admit of: Provided always, that it shall be competent to the Lord Ordinary, where any Witness or Haver is resident beyond the Jurisdiction of the Court, or by reason of Age, Infirmity, or Sickness is unable to attend the Diet of Proof, to grant Commission to any Person competent to take and report in Writing, according to the existing Practice, the Evidence of such Witness or Haver.

Payment to certain Sheriffs.

XIV. The Commissioners of Her Majesty's Treasury shall annually pay to each of *John Cay* Esquire, Sheriff of the County of *Linlithgow*, *John Tait* Esquire, Sheriff of the Counties of *Kinross* and *Clackmannan*, *Erskine Daniel Sandford* Esquire, Steward of the Stewartry of *Kirkcudbright*, and Sheriff of the County of *Wigton*, *Robert Hunter* Esquire, Sheriff of the Counties of *Dumbarton* and *Bute*, and *Benjamin Robert Bell* Esquire, Sheriff of the Counties of *Banff*, *Elgin*, and *Nairne*, out of Monies to be voted by Parliament for that Purpose, a Sum equal to One Fifth of the total Amount which shall be ascertained by the Queen and Lord Treasurer's Remembrancer in Exchequer to have been paid annually, on an average of the last Three Years, to the Sheriffs Commissary, in respect of Proofs taken by them in Consistorial Causes; but such Sum shall only be paid as long as the said Persons shall hold the Office of Sheriff in any County in *Scotland*, and no longer.

Actions of Aliment.

XV. Actions of Aliment in the Court of Session between Husband and Wife shall not be considered Inner House Causes, but shall be considered and disposed of in like Manner as other Consistorial Causes, except as herein-after provided as to Decrees in Absence; and Actions of Aliment at the Instance of other Parties

Parties shall not be considered Inner House Causes, but shall be disposed of by the Lord Ordinary (subject in both Cases to Reclaiming Note in common Form against his Interlocutors) in the same Way as such Causes are at present disposed of by the Judges of the Inner House: Provided always, that all Actions for Aliment shall be deemed Summary Causes both in the Outer and in the Inner House, and that where no Appearance is entered for the Defender, Decreet shall be pronounced in Absence without Proof, as in other Cases before the Court of Session.

When a married Woman succeeds to Property, &c., Husband or Creditor not entitled to claim the same.

XVI. When a married Woman succeeds to Property, or acquires Right to it by Donation, Bequest, or any other Means than by the Exercise of her own Industry, the Husband or his Creditors, or any other Person claiming under or through him, shall not be entitled to claim the same as falling within the Communio bonorum, or under the Jus mariti or Husband's Right of Administration, except on the Condition of making therefrom a reasonable Provision for the Support and Maintenance of the Wife, if a Claim therefor be made on her Behalf; and in the event of Dispute as to the Amount of the Provision to be made, the Matter shall, in an ordinary Action, be determined by the Court of Session according to the Circumstances of each Case, and with reference to any Provisions previously secured in favour of the Wife, and any other Property belonging to her exempt from the Jus mariti: Provided always, that no Claim for such Provision shall be competent to the Wife if before it be made by her the Husband or his Assignee or Disponee shall have obtained complete and lawful Possession of the Property, or, in the Case of a Creditor of the Husband, where he has before such Claim is made by the Wife attached the Property by Decree of Adjudication or Arrestment, and followed up the said Arrestment by obtaining thereon Decree of Furthcoming, or has poinded and carried through and reported a Sale thereof.

Court of Session empowered to make Acts of Sederunt.

XVII. The Court of Session are hereby authorized and empowered to make from Time to Time such Orders and Regulations as to Forms of Process by Acts of Sederunt as they may consider necessary for carrying into execution the Purposes of this Act.

Repeal of Laws inconsistent with this Act.

XVIII. All Laws, Statutes, and Usages are hereby repealed in so far as the same are inconsistent with the Provisions of this Act, but no further or otherwise.

Interpretation of Terms.

XIX. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; that is to say, the Expression "Lord Ordinary" shall include

include his Successor; the Word "Property" shall include and apply to all Property falling under the Jus mariti; the Expression "Consistorial Action" shall include Actions of Declarator of Marriage, of Declarator of Nullity of Marriage, of Declarator of Legitimacy and Bastardy, Actions of Separation *à mensâ et thoro*, of Divorce and of Adherence, and of putting to Silence, and Actions of Aliment between Husband and Wife instituted in the Court of Session.

Short Title.

XX. This Act may in all Proceedings be cited as "The Conjugal Rights (*Scotland*) Amendment Act, 1861."

Commencement of Act.

XXI. This Act shall come into operation on the First Day of *November* now next ensuing, and not before.

CAP. LXXXVII.

An Act to amend the Metropolitan Building Act (1855).—[6*th* August 1861.]

CAP. LXXXVIII.

An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park *as a Site for Public Offices.*—[6*th* August 1861.]

CAP. LXXXIX.

An Act to increase the Amount payable out of the Revenues of India *in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's* British *Forces serving in* India.—[6*th* August 1861.]

CAP. XC.

An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; *and to regulate the Appropriation*

tion and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, *under the Authority of an Act passed in the First and Second Years of* Victoria, *Chapter Fifty-five.*—[6*th* August 1861.]

WHEREAS by an Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-five, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of* Leith, it is by the Twenty-first Section thereof enacted, that an annual Sum of Two thousand five hundred Pounds from the Revenues of the Harbour and Docks of *Leith* shall be applied by the Lord Provost, Magistrates, and Council of the City of *Edinburgh* towards the Maintenance and Support of the College and Schools of the said City; namely, in defraying the Obligations and Payments incumbent upon them in relation to the Debts due by the said City to the said College; in paying the Salaries and House Rents due to or on account of the Professors in the said College; in repairing and maintaining the College Buildings, and in the other necessary Expenses thereof; and the Remainder towards the Schools and educational Purposes of the said City: And whereas by an Act passed in the Twenty-first and Twenty-second Years of the Reign of her present Majesty, Chapter Eighty-three, intituled *An Act to make Provision for the better Government and Discipline of the Universities of* Scotland, *and improving and regulating the Course of Study therein, and for the Union of the Two Universities and Colleges of* Aberdeen, it is by the Fifth Section thereof enacted, that the Senatus Academicus of each of the Universities of *Scotland* shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court: And whereas it is expedient that the Proportion of the said annual Sum of Two thousand five hundred Pounds to be applied to the University of *Edinburgh* should be finally determined, and should be assigned to the University, and made payable to the Senatus Academicus thereof, to be administered by them in Terms and under the Authority of the said second-recited Act; and it is also expedient that farther Arrangements should be made regarding the Disposal and Management of other Property of the University

1 & 2 Vict. c. 55.

21 & 22 Vict. c. 83.

University of *Edinburgh* and of the Remainder of the said annual Sum of Two thousand five hundred Pounds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appropriation of Annuity of 2,500*l.* in first-recited Act mentioned.

I. The annual Sum of Two thousand five hundred Pounds from the Revenues of the Harbour and Docks of *Leith*, in the said first-recited Act mentioned, shall be paid by the Queen's and Lord Treasurer's Remembrancer of the Exchequer in *Scotland* in the Manner and Proportions following; viz., the Sum of Two thousand one hundred and seventy Pounds, Portion thereof, shall be paid to the Senatus Academicus of the University of *Edinburgh*, for the Purposes of the said University, including therein the Payment of such Bursaries as were before the passing of this Act chargeable on the said annual Sum; and the said Lord Provost, Magistrates, and Council of the City shall be freed and relieved from all Obligations to or for the University for and in respect of the said Sum of Two thousand five hundred Pounds payable after the Date of this Act; and the Remainder of the said annual Sum of Two thousand five hundred Pounds, being Three hundred and thirty Pounds, shall be paid to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and shall be applied by them towards the Maintenance and Support of the Schools of the said City; and the said Senatus Academicus, and the said Lord Provost, Magistrates, and Council, respectively, shall transmit annually to the Commissioners of Her Majesty's Treasury an Account of the Expenditure of the said Sums of Two thousand one hundred and seventy Pounds and Three hundred and thirty Pounds payable to them respectively as aforesaid.

First Payments to be made at Martinmas 1861.

II. The first Payments to the Senatus Academicus of the University of *Edinburgh*, and to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, respectively, in pursuance of this Act, shall be made at the Term of *Martinmas* One thousand eight hundred and sixty-one, for the Half Year then ending.

Certain Properties and Revenues enumerated to be transferred to the Senatus.

III. The several Properties and Revenues which are enumerated in the Schedule (A.) hereunto annexed shall be and the same are hereby transferred to and vested in the Senatus Academicus of the University of *Edinburgh*, for the Purposes of the said University, subject to the several Burdens and Obligations affecting the same, and to be managed by the Senatus of the said University in Terms of the said second-recited Act; and the Proportion of the Annuities on Bonds of the said City, payable under the Bequest of Doctor *William Thomson* to the Lecturer on Mineralogy under the said Bequest, shall be paid to the Professor

Professor of Natural History in the University for the Time being, as such Lecturer.

Certain Properties and Revenues enumerated in Sched. (B.) to be held by the City for the Support of Schools.

IV. The several Properties and Revenues held by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, in trust for the said University solely, or for the University and other Purposes, which are enumerated in the Schedule (B.) hereunto annexed, including the Sums falling due at the Term of *Lammas* or *Martinmas* (as the Case may be) One thousand eight hundred and sixty-one, shall be held and applied by the said Lord Provost, Magistrates, and Council towards the Maintenance and Support of the Schools of the said City, subject to the several Burdens and Obligations affecting the same.

Short Title.

V. This Act may for all Purposes be cited as "The *Edinburgh* University Property Arrangement Act, 1861."

SCHEDULES.

SCHEDULE (A.)

1. The Site of the Buildings of the University of Edinburgh, with the whole Buildings thereon, Parts and Pertinents thereof, and Furniture and Muscums therein, so far as now belonging to or vested in the City.

2. Bond of Annuity by the City for One thousand two hundred and fifty Pounds, being Amount of Mortification by Sir William Pulteney as a Foundation for establishing a Professorship of Agriculture in the University, with the Annuities amounting to Thirty-seven Pounds Ten Shillings payable thereon, including the Sums falling due at the Term of Lammas One thousand eight hundred and sixty-one.

3. Bonds of Annuity by the City of Edinburgh for One thousand four hundred and ninety Pounds for Amount of Bequest of Doctor William Thomson, in the Hands of the City, for the Promotion of Mineralogical Science in the University, with the Annuities payable thereon, amounting to Forty-four Pounds Fourteen Shillings, including the Sums falling due at the Term of Lammas One thousand eight hundred and sixty-one, and the Sum of Nineteen Pounds Fifteen Shillings and Elevenpence, being the Balance in the Hands of the City applicable to the Purposes of the said Bequest at the Date of this Act.

4. The

4. The Balance of One hundred and eighty-one Pounds Fourteen Shillings and Eightpence, appearing in the published Accounts of the said Lord Provost, Magistrates, and Council as outstanding at the Fourteenth Day of September One thousand eight hundred and sixty to the Credit of the Account of Income and Expenditure of the said annual Sum of Two thousand five hundred Pounds, and of the several Properties and Revenues enumerated in Schedule (B.), subject to such Alteration of the said Balance as may arise on an Account of the said annual Sum of Two thousand five hundred Pounds, and of the Income arising from the Properties and Revenues enumerated in Schedule (B.) applicable to the Period from the Fourteenth Day of September One thousand eight hundred and sixty to the Term of Martinmas One thousand eight hundred and sixty-one, such Account to be adjusted at the Sight and to the Satisfaction of the Commissioners of Her Majesty's Treasury, and the Balance, when ascertained, to be paid over to the Senatus Academicus.

SCHEDULE (B.)

1. Mortcloth Dues at Greyfriars Burying Ground.

2. Ground Annuals and Superiorities, with the Casualties or Compositions belonging thereto, Teinds, Teind Duties, and Tack Duties, such Ground Annuals, Superiorities, Teinds, Teind Duties, and Tack Duties consisting of the following Items:

1. Ground Annuals and Superiorities in and about the City, the Ground Annuals and Feu Duties from which amount to Nine Pounds Thirteen Shillings and Eleven Twelfths of a Penny:
2. Superiorities in the Country, the Feu Duties from which amount to Eleven Pounds Nineteen Shillings and Twopence Eleven Twelfths of a Penny:
3. The Teinds in the Parishes of Sprouston, including Lempitlaw and Monimail, the Tack Duties of which presently amount together to Thirty-eight Pounds Eighteen Shillings and Sixpence Ten Twelfths of a Penny:
4. Property in North College Street, Edinburgh, the Tack Duties or Rents of which presently amount to Fifty-one Pounds a Year:
5. Bonds of Annuity by the City for One thousand eight hundred Pounds, being the Price of the Patronages of Currie, Fala, and Wemyss, with the Annuities payable thereon, amounting to Fifty-four Pounds a Year.

CAP. XCI.

An Act to amend the Laws relating to the Inland Revenue.—[6*th* August 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Excise.

18 & 19 Vict. c. 38.

I. Whereas by an Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Thirty-eight, certain Restrictions are imposed on the Sale of Methylated Spirit, and it is expedient to remove such Restrictions in part, and to make other Regulations in regard to the Sale of Methylated Spirit by Persons who shall be duly licensed in that Behalf under this Act: Be it enacted, That any Person, not being a Distiller or Rectifier of Spirits, or a Dealer in or Retailer of Beer, Spirits, Wine, or Sweets, may take out an Excise Licence authorizing him to receive and sell Methylated Spirit in the Quantity allowed by this Act, upon Payment of the annual Duty on such Licence of Two Pounds and Two Shillings; and every Person taking out such Licence shall be called "a Retailer of Methylated Spirit;" and so far as regards any Person duly licensed to retail Methylated Spirit under the Provisions of this Act, and so far also as regards any Person who shall purchase any such Spirit from such licensed Person, and the Spirit so purchased, Sections Eight, Ten, and Sixteen of the said last-mentioned Act shall be and the same are hereby repealed.

Methylated Spirit may be retailed under Licence for that Purpose.

Licences to be renewed annually.

II. Every Licence granted under this Act for the Sale of Methylated Spirit shall be renewed on the First Day of *October* in every Year, and shall be granted and renewed in like Manner as other Excise Licences are granted and renewed, and under and subject to the Provisions and Regulations of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one.

Conditions to be observed by Retailer of Methylated Spirit.

III. No Person licensed as aforesaid shall sell or deliver any greater Quantity of Methylated Spirit than One Gallon at a Time to or for the Use of the same Person; nor shall such licensed Person receive into or have in his Stock, Custody, or Possession a greater Quantity than Fifty Gallons of such Spirit

Spirit at one and the same time; or receive into his Stock, Custody, or Possession any such Spirit otherwise than from a Distiller or Rectifier of Spirits, or licensed Person specially authorized to make Methylated Spirit under the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and accompanied by a proper Permit or other such Document as the Commissioners of Inland Revenue may order or direct to be used to accompany such Spirit on the Removal thereof, nor until he shall have made Entry according to the Laws of Excise in force in relation to Entries of the particular Rooms or Places in which he intends to keep and sell such Spirit; nor shall any such Person licensed under this Act keep or sell any such Spirit in any Room or Place not duly entered as aforesaid; and provided always, that every such Person licensed as last mentioned shall at all reasonable Times produce the whole of his Stock of such Spirit to any Officer of Excise who shall desire to examine the same, and shall keep such Account of the Stock and Sale of such Spirit as the Commissioners of Inland Revenue shall order and direct from Time to Time; and if any Person licensed under this Act shall offend in any of the Particulars in this Clause mentioned, he shall forfeit for every Offence the Sum of Fifty Pounds; and all Spirit received into or found in his Stock, Custody, or Possession contrary hereto shall be forfeited, and may be seized by any Officer of Excise.

Penalty for offending contrary to this Section.

Distillers who are Makers of Methylated Spirit may supply licensed Makers of such Spirit.

IV. It shall be lawful for any Distiller duly authorized to make Methylated Spirit according to the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Thirty-eight, to sell, supply, and deliver such Spirit to any licensed Person authorized as aforesaid, and in the same Quantity and subject to the same Restrictions and Regulations with respect to Requisitions, Permits, or otherwise as are specified and provided in the above-mentioned Act, or directed by the Commissioners of Inland Revenue to be observed with respect to Methylated Spirit supplied to Persons authorized by the said Commissioners to receive and use the same; and all such Spirit so sold, supplied, or delivered by any such Distiller, or received by such licensed Person as aforesaid, shall be entered in the Stock Account of such Distiller or licensed Person respectively, directed to be kept by the Seventh Section of the said Act.

Penalty for selling Methylated Spirit without Licence.

V. Every person, not being a Distiller or Rectifier of Spirits, or other Person duly authorized or specially licensed by the Commissioners of Inland Revenue to mix and make Methylated Spirit, who shall sell any such Spirit in any Quantity without having in force a Licence in that Behalf granted under

under the Authority of this Act, shall forfeit the Sum of Fifty Pounds over and above all other Penalties to which he may be liable under any other Act or Acts in force.

Methylated Spirit not to be prepared or sold as a Beverage.

VI. If any Person whatever shall colour, purify, flavour, mix, or prepare, or attempt to colour, purify, flavour, mix, or prepare, any Methylated Spirit in any Manner to fit, or with Intent to fit, such Spirit for Use as a Beverage, or for mixing with any Beverage, or shall sell any such Spirit, whether coloured, purified, flavoured, mixed, or prepared in any Manner or not, as and for a Beverage, or mixed with any Beverage, he shall forfeit for every such Offence the Sum of One hundred Pounds, and the Spirit shall also be forfeited.

New Rates of Drawback on Beer exported in lieu of former Rates.

VII. In lieu of the Drawbacks now payable upon the Exportation of Beer from the United Kingdom to Foreign Parts as Merchandise, there shall be allowed and paid in respect of all Beer which shall be so exported at any Time after the passing of this Act, whensoever the same may have been brewed, the following Rates of Drawback; (that is to say,)

For and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the brewing of which Beer the Worts used before Fermentation were of the Specific Gravity of not less than One thousand and forty Degrees, the Sum of Four Shillings:

And for every additional Five Degrees of Specific Gravity up to the Specific Gravity of One thousand one hundred and twenty-five Degrees, the further Sum of Sixpence *per* Barrel:

Provisions of former Laws to apply.

Which said Drawback by this Act granted shall be ascertained, allowed, and paid in the like Manner as by the Laws in force at the Time of the passing of this Act any former Drawback on the Exportation of Beer is or may be ascertained, allowed, and paid respectively; and all Provisions, Regulations, Penalties, and Forfeitures now in force in relation to any such former Drawback shall be observed, applied, and enforced in respect to the Drawback by this Act granted, in as full and ample a manner as if the same had been herein repeated and re-enacted with reference to the said last-mentioned Drawback.

Persons not compellable to take out a Refreshment House Licence for a House

VIII. For the Amendment of Two several Acts passed in the last Session of Parliament, Chapter Twenty-seven and Chapter One hundred and seven, be it enacted, That no Person shall be compellable to take out a Licence under either of the said Acts to keep a Refreshment House whose House, Room, Shop, or Building shall not be kept open for public Refreshment,

not kept open after Ten o'clock at Night.

Refreshment, Resort, and Entertainment after the Hour of Ten of the Clock at Night; and the said Acts shall be read and construed as if the Word "Ten" had been substituted for the Word "Nine" in the Sixth Section of the said Acts respectively.

Lower Rate of Duty on Refreshment House Licences for Houses under £30 annual Value.

IX. And in lieu of the Duties chargeable under the said last-mentioned Acts respectively for every Licence to keep a Refreshment House there shall be charged the following Duties; that is to say,

If the House and Premises in respect of which such Licence shall be granted shall in *England* be under the Rent and Value or in *Ireland* be under the Value of Thirty Pounds a Year, the Duty of Ten Shillings and Sixpence:

And if the same shall be of the Rent or Value of Thirty Pounds a Year or upwards, the Duty of One Pound and One Shilling:

Allowance of Duty paid for Refreshment House Licence to be made on taking out Wine Licence.

And whenever any Person who shall have taken out a Licence to keep a Refreshment House, not being a house open after Ten o'clock at Night, shall apply for and obtain a Licence under either of the said Acts to sell therein by Retail Foreign Wine to be consumed in such House, he shall be allowed an Abatement at the Rate *per Annum* herein-after mentioned from the Duty chargeable for such last-mentioned Licence in respect of the same Period of Time or Portion of the Year for which he shall take out the said Licence to retail Wine; (that is to say,)

	£	s.	d.
Where the House and Premises in respect of which such Licences shall be granted shall in *England* be under the Rent and Value or in *Ireland* under the Value of Thirty Pounds a Year, an Abatement of	0	7	4
And where the same shall be of the Rent or Value of Thirty Pounds and under the Rent or Value of Fifty Pounds a Year, an Abatement of	0	17	10
And where the same shall be of the Rent or Value of Fifty Pounds a Year or upwards, an Abatement of	1	1	0

Provided always, that if any Person to whom any such Abatement as aforesaid shall have been made on taking out a Wine Licence shall keep open his House as a Refreshment House or shall sell therein any Wine or other Refreshment after the Hour of Ten of the Clock at Night, he shall be deemed to keep a Refreshment House without taking out and having in force a proper Licence in that Behalf; and also in respect of any

any Wine sold by him after the Hour aforesaid he shall be deemed to have sold the same without having a proper Licence in force duly authorizing him in that Behalf, and shall forfeit the Penalties imposed for such Offences respectively by the Ninth and Nineteenth Sections of the said Act of the last Session of Parliament, Chapter Twenty-seven.

Persons licensed to retail Beer not precluded from taking out Wine Licences.

X. And whereas an Act was passed in the last Session of Parliament, Chapter Twenty-seven, for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and Doubts have arisen whether Persons licensed to retail Beer in *England* are precluded from taking out or having granted to them a Licence for the Sale of Wine under the said Act: For the Removal of such Doubts be it declared and enacted, That nothing in the said Act or in any other Act or Acts contained shall be adjudged, deemed, or construed to preclude or disqualify any Person from taking out or having granted to him any Licence for the Sale of Wine under the said Act of the last Session of Parliament, by reason or on account of his being licensed for the Sale of Beer under any Act or Acts in that Behalf.

Persons licensed to retail Wine not to be subject to Penalty under the Beer Acts, for having Wine or Sweets in possession.

XI. No Person licensed for the Sale of Wine under the Act passed in the last Session of Parliament, Chapter Twenty-seven, shall be subject or liable to any Penalty or Forfeiture under any Act relating to the retailing of Beer by reason or on account of his selling, dealing in, retailing, or receiving into, or having in his Possession any Wine or Sweets or Made Wines, or Mead or Metheglin, anything in any such Act or Acts as last mentioned to the contrary notwithstanding.

Penalty on Persons selling Beer by Retail in Scotland without being duly authorized and licensed.

XII. And whereas Doubts exist as to the Penalties to which Persons are subject who sell Beer by Retail in *Scotland* without being duly authorized and licensed in that Behalf: Be it enacted, That if any Person shall in *Scotland* sell Beer by Retail, that is to say, in any Quantity less than Four and a Half Gallons, or in less than Two Dozen reputed Quart Bottles, at One Time (whether to be drunk or consumed on the Premises or not), without having duly obtained a Certificate and also an Excise Licence respectively authorizing him to sell Beer under the Provisions of any Act or Acts in that Behalf, he shall forfeit (over and above any other Penalty to which he may be liable under such Act or Acts) the Sum of Twenty Pounds for every such Offence, and such Penalty hereby imposed shall be recovered, levied, mitigated, and applied in the Manner provided with respect to Excise Penalties under the Laws of Excise in that Behalf; and in any Information or other Proceeding for the Recovery of the Penalty hereby imposed it shall be sufficient to charge that the Defendant sold Beer

Beer by Retail without having duly obtained a Certificate and also an Excise Licence respectively authorizing him to sell Beer under the Provisions of the Statute in that Case made and provided, and it shall not be necessary further or otherwise to describe such Offence.

Exemptions as to the Sale of Beer or Spirits at Fairs or Races not repealed by 23 & 24 Vict. cc. 113 and 114.

XIII. And whereas by the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, for granting Duties on Excise Licences, and by other Acts of Parliament now in force, certain Provisions, Exceptions, and Exemptions are made and contained with respect to the Sale of Spirits and Beer respectively, at lawful and accustomed Fairs and public Races: And whereas by Two several Acts passed in the last Session of Parliament, being respectively Chapters One hundred and thirteen and One hundred and fourteen, certain Enactments and Prohibitions are contained against the selling of Beer and Spirits respectively at any Place other than a Place specified in a Licence granted in that Behalf: Be it declared and enacted, That nothing in the said Two several last-mentioned Acts, or either of them, contained shall be construed, adjudged, deemed, or taken to have repealed, altered, or affected any of the Provisions, Exceptions, or Exemptions contained in any Act or Acts in force at the Time of the passing of the said Two several Acts of the last Session of Parliament, or either of them, with respect to the selling of Beer or Spirits at Fairs or Races.

All Licences granted under the Acts relating to the retailing of Beer to expire on the 10th Oct. in each Year.

XIV. Whereas the Licences authorizing the retailing of Beer granted under the Authority of Three several Acts passed respectively in the First Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-four, in the Fourth and Fifth Years of the same Reign, Chapter Eighty-five, and in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Sixty-one, are directed by the first of the said Acts to be dated on the Day when the same shall be granted, and to expire at the End of Twelve Calendar Months after the Day on which such Licences shall be dated, and it is expedient that all such Licences should expire at one and the same Period of the Year: Be it enacted, that every Licence taken out under the said recited Acts on and after the Eleventh Day of *October* One thousand eight hundred and sixty-one shall be in force from the Day of the Date of such Licence until the Tenth Day of *October* next following the granting thereof; and every Person who on the Tenth Day of *October* in the above-mentioned Year shall be the Holder of an unexpired Licence granted under the said recited Acts shall on the First Renewal of such Licence be allowed a proportionate Part of the Duty in respect of the unexpired Period of such Licence; and

and every Person who shall after the said Tenth Day of *October* take out a Licence under the said Acts for the First Time shall be entitled to the same on Payment of a proportionate Part of the Duty thereon in the same Manner as a Person commencing a Trade or Business for which an Excise Licence is required may now take out a Licence under the Provisions contained in the Seventeenth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one.

Duty on Race-horses to be paid for the Year ending on 31st Dec. in 1862, and in any subsequent Year.

XV. The Duty imposed by the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-two, upon every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, and which shall be paid on or after the First Day of *January* in the Year One thousand eight hundred and sixty-two, shall free the Owner for the Time being of such Horse from any further Payment of the said Duty in respect of the same Horse during the Year ending the Thirty-first day of *December* next after such Payment, and no longer.

No Penalty for letting for Hire a Horse or Carriage to convey a Prisoner to Gaol.

XVI. No Penalty under the Fifteenth Section of the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Eighty-eight, shall be deemed to be incurred in respect of the letting for Hire of any Horse or Carriage for the Purpose of conveying a Prisoner to or from any Prison, and used under such Letting solely for that Purpose.

Persons dealing in Game without Excise Licence to be liable to Penalty whether licensed by the Justices or not.

XVII. Whereas by the Fourteenth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Ninety, a Penalty of Twenty Pounds is imposed upon any Person who shall obtain a Licence to deal in Game from the Justices of the Peace under the Provisions of certain Acts therein referred to, and who shall purchase or sell or otherwise deal in Game before he shall obtain a Licence to deal in Game under the Provisions of the Act in this Clause first mentioned: Be it enacted, That the said Penalty shall be incurred by every Person who, under the Provisions of the said Acts so referred to as aforesaid, ought to obtain a Licence from the Justices of the Peace to deal in Game, and who shall purchase or sell or otherwise deal in Game before he shall obtain a proper Excise Licence under the Provisions of the said first-mentioned Act, whether he shall have obtained a Licence from the said Justices or not; and in any Information exhibited for Recovery of the said Penalty it shall be sufficient to allege, and upon the Trial thereof to prove, that the Defendant dealt in Game without the Licence required by the said first-mentioned Act.

Sect. 31. of 1 & 2 W. 4. c. 55.

XVIII. And whereas an Act was passed in the First and Second Years of the Reign of King *William* the Fourth, Chapter

with respect to Penalties under the Illicit Distillation Acts in Ireland, not repealed by Sect. 6. of 20 & 21 Vict. c. 40.

Chapter Fifty-five, to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*, (herein-after called the Illicit Distillation Act, and by the Thirty-first Section of the said Act it is enacted that all Penalties and Forfeitures imposed by the same Act may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in Her Majesty's Court of Exchequer in *Dublin*, in the Name of Her Majesty's Attorney General, or in the name of some Officer of Excise, or on Complaint to or before any One or more of Her Majesty's Justices of the Peace of the County, City, or Place wherein the Offence shall be committed: And whereas by an Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Forty, Officers of the Constabulary Force in *Ireland* are empowered to put in force the Powers and Authorities of the said Illicit Distillation Act, and by the Sixth Section of the said Act of the Twentieth and Twenty-first Years of Her Majesty it is enacted that all Proceedings under the said Illicit Distillation Act shall be conducted, and all Penalties and Costs under the same shall be sued for, levied, and recovered as by the Petty Sessions *Ireland* Act, 1851, is directed and provided: And whereas Doubts have arisen whether the Provision made by the last-mentioned Enactment for Proceedings under the said Petty Sessions Act has repealed or wholly superseded the Mode of Proceeding directed by the said Thirty-first Section of the said Illicit Distillation Act, and whether in any Proceedings for the Recovery of any Penalty or Forfeiture under the said last-mentioned Act the Presence of Two or more Justices is requisite: For the Removal of all such Doubts, be it declared and enacted, That the Sixth Section of the said Act of the Twentieth and Twenty-first Years of Her Majesty shall not be construed to deprive any Court or any Justice of the Peace in *Ireland* of any Jurisdiction which such Court or Justice possessed before the passing of that Act in regard to any Offence committed against the Provisions of the said Illicit Distillation Act, and shall not extend to repeal, alter, or affect the Thirty-first Section of the said last-mentioned Act further than to provide the additional Mode of Proceeding for Penalties and Costs in the said Sixth Section mentioned; and it shall be lawful for Two or more Justices sitting at Petty Sessions to hear and determine any Information or Complaint for any Offence committed against the said last-mentioned Act, and to do all Acts necessary to carry into effect any Judgment thereupon.

Persons aggrieved by Judg-

XIX. In case of any Information or Complaint exhibited by any Officer of Inland Revenue, or of any Proceedings at the Instance

Instance of any Officer, Head or other Constable of the Constabulary Force in *Ireland*, under the Provisions of the said Illicit Distillation Act; or of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine, or of an Act passed in the Twentieth and Twenty-first Years of the Reign of Her said Majesty, Chapter Forty, it shall be lawful for any such Officer and Constable respectively, or for any Person against whom any such Information, Complaint, or Proceeding shall have been exhibited or taken, who shall feel aggrieved by the Judgment given thereon, to appeal therefrom to the Justices at the next General Quarter Sessions of the Peace which shall be holden for the County, Shire, Division, City, Town, or Place in which such Judgment so appealed against shall have been given next after the Expiration of Twenty Days from the giving of such Judgment, upon giving such Notices, and upon such Terms, Conditions, and Regulations as are prescribed in Cases of Appeals by the several Acts passed respectively in the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-three, the Fourth and Fifth Years of King *William* the Fourth, Chapter Fifty-one, and the Fourth Year of Her present Majesty, Chapter Twenty.

Appeal against Judgment of Justices on Information under 1 & 2 W. 4. c. 55. 17 & 18 Vict. c. 89. 20 & 21 Vict. c. 40. may appeal.

XX. Whereas by Section One hundred and Ninety-five of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, the Justice of the Peace by or before whom any Person may be convicted of any Offence in the said Section specified is thereby empowered to mitigate as he shall think proper the Penalty of One hundred Pounds imposed for such Offence, but not to a less Amount than One Fourth Part thereof, and it is expedient that the Power to mitigate such Penalty in *Ireland* should be extended: Be it enacted, That it shall be lawful for the Justices who shall convict any Person of any such Offence as aforesaid in *Ireland* to mitigate, when they shall see Cause, the Penalty incurred for such Offence as they shall think fit, so as such Mitigation shall not in any Case reduce such Penalty to a less Sum than Six Pounds; and on Nonpayment of the said Penalty or the mitigated Amount thereof such Justices shall commit the Offender to Hard Labour in some Gaol or House of Correction within the County or Place for the Term and in the Manner and subject only to be discharged as in the said Section is mentioned.

Justices in Ireland empowered to further mitigate the Penalty for Offences under Sect. 195. of 23 & 24 Vict. c. 114.

XXI. Whereas it is provided by the Second Section of an Act passed in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Sixty-two, that when any Person shall appeal against an Order of Refusal of the Certificate required by such Person to entitle him to a Renewal of the

Pending an Appeal against an Order of Justices refusing a Certificate

to authorise the Renewal of an Excise Licence to sell Beer, &c. in Ireland, Appellant to deposit the Duties for an Excise Licence with the Collector.

the Licence to sell Beer, Cider, or Spirituous Liquors in *Ireland*, the Licence affected by such Order shall remain in full Force and Effect unless and until the Court of Quarter Sessions or Recorder therein mentioned shall confirm the said Order of Refusal: Be it enacted, That such Licence, on the Expiration of the Term for which the same was granted, shall remain in force only upon condition that the Appellant shall immediately on or before the Expiration of the said Licence deposit with the proper Collector of Inland Revenue the Amount of Excise Duties chargeable upon the said Appellant for Licence to sell Beer, Cider, or Spirituous Liquors respectively for the Year next ensuing the Expiration of the said first-mentioned Licence; and if the said Court of Quarter Sessions or Recorder shall confirm the said Order of Refusal, the Appellant shall be repaid by such Collector such Portion of the Excise Duties so deposited as aforesaid as he would be entitled to be repaid under the Twenty-fourth Section of the Act of the Sixth Year of King *George* the Fourth, Chapter Eighty-one, in the Case of a Magistrate's Certificate expired and not renewed; and if the said Order of Refusal shall be reversed, the Money so deposited shall be applied in Payment for the Licences to be granted to the said Appellant.

Powers given to Officers of Excise by 1 & 2 W. 4. c. 55. as to Seizure of private Stills, &c. in Ireland extended to Officers of Customs.

XXII. And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-five, Officers of Excise are authorized to search for private Stills, Wort, Wash, Pot Ale, Low Wines, or Singlings, or Spirits, and Corn or Grain making into Malt, and to arrest and detain Persons discovered in the Place where private Distillation of Spirits or making of Malt is carrying on: And whereas it is expedient to extend the like Powers to Officers of Customs: Be it enacted, That all the Powers, Authorities, and Privileges granted to Officers of Excise by the said recited Act may and shall be exercised by Officers of Customs, and by all Persons duly employed for the Prevention of Smuggling, or authorized by the Commissioners of Customs to seize Goods forfeited under the Laws of Customs, as fully and effectually as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to Officers of Customs and the other Persons herein named.

Power to Officers of Excise to examine Stills or Retorts kept by Persons not being

XXIII. Whereas by the Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety, an Excise Licence is required to be taken out by every Person, not being a licensed Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker, who keeps or uses any Still or Retort: Be it enacted, That it shall be lawful for any Officer of Excise at any Time (but if between the Hours of Eleven at Night and Five

Five in the Morning then in the Presence of a Constable or other lawful Peace Officer) to enter into the Premises of every such Person who shall take out such Licence, or who shall use or keep any Still or Retort, and to examine any Still or Retort kept or used by such Person. Distillers, Rectifiers, or Compounders of Spirits, or Vinegar Makers.

XXIV. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-one, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-two. Charging of Excise Duty on Sugar used in brewing deferred until 1st July 1862.

As to Stamps.

XXV. In lieu of the Stamp Duties now payable on Protests and other Notarial Acts there shall be paid the Duties following; that is to say, Stamp Duties in lieu of those now payable on Protests and other Notarial Acts.

	£	s.	d.
Protest of any Bill of Exchange or Promissory Note, where the Stamp Duty on the Bill or Note does not exceed One Shilling .	The same Duty as on the Bill or Note.		
Protest of any other Bill of Exchange or Promissory Note, and Protest of any other Kind, and other Notarial Act whatsoever . . .	0	1	0
And for every Sheet or Piece of Paper, Parchment, or Vellum upon which the same shall be written, after the first, a further progressive duty of	0	1	0

XXVI. In lieu of the Stamp Duty of One Pound Ten Shillings which may by Law be now payable on any of the Instruments herein-after mentioned, there shall be charged as follows; that is to say, Stamp Duty on certain Proxies reduced.

For and in respect of any Letter or Power of Attorney or Commission, Factory, Mandate, or other Instrument in the Nature thereof, made for the sole Purpose of appointing, nominating, or authorizing any person to vote as a Proxy, Commissioner, Mandatory, or otherwise, at any One Meeting of the Proprietors, Members, or Contributors to the Funds of any Institution established for the Purposes of Education or Charity, or of other Persons having the Direction or Control of the Affairs of the Institution, the Time of holding whereof shall be specified in such Instrument,

Instrument, or at any Adjournment of such Meeting, the Stamp Duty of Sixpence.

Adhesive Stamps may be used for Proxies.

XXVII. The Stamp Duty of Sixpence granted by this Act and any former Act upon a Letter or Power of Attorney, Commission, Factory, Mandate, or other Instrument in the Nature thereof, may be denoted by an Adhesive Stamp to be provided by the Commissioners of Inland Revenue and affixed to the Instrument, and cancelled by the Person signing the Instrument, by writing his Name, or the Initials thereof, upon or across the Stamp, together with the Date of the Day of the Meeting for voting at which the Instrument is made; but nothing herein contained shall relieve any Person from the Penalty incurred by making or signing any such Instrument on Paper not duly stamped, or by voting or attempting to vote under the Authority thereof, unless there shall be affixed thereto and cancelled as aforesaid the proper adhesive Stamp.

Stamp Duties to be collected under the Laws in force.

XXVIII. The Stamp Duties by this Act imposed, and also any other Stamp Duties which shall at any Time become payable under any Act of Parliament, and also any Fees by any Act now in force or any future Act directed to be collected or received by means of Stamps, shall respectively be raised, levied, collected, paid, and secured, under and by virtue of and subject to all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, applicable thereto, for the Time being in force relating to Stamp Duties of the like Kind or Description respectively, or any Schedule thereto; all which Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties respectively, shall be of full Force and Effect with respect to all such Duties and Fees respectively, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things, charged and chargeable therewith, or in respect whereof the same are to be paid, and to the Persons liable to the Payment thereof, so far as the same are or shall be applicable, in all Cases for which no express Provision is or shall be made, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties and Fees respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with any such express Provisions, as fully and effectually, to all Intents and Purposes, as if the same were specially enacted, *mutatis mutandis*, with reference to such Duties and Fees respectively.

Duty upon Renewals of certain

XXIX. Section Eight of the Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter

Chapter One hundred and eleven, so far as it relates to the Renewal or Continuance of any Assurance upon Death or personal Injury, shall be and the same is hereby repealed. Insurances repealed.

XXX. Where upon the Appointment of a new Trustee the Property which is the Subject of One and the same Settlement, or of Trusts created for the Benefit of the same Parties, is of various Kinds or Descriptions, or is held under different Titles, and it is necessary or desirable that it should be conveyed to or vested in the Trustee by means of several Deeds or Instruments, or where, upon any such Appointment, several Deeds or Instruments are made or executed for the Purpose only of transferring to and vesting in the Trustee the same Trust Property, if in any of such Cases One of the Deeds or Instruments shall be stamped with the Duty of One Pound Fifteen Shillings, it shall be sufficient if the others or other shall be stamped with the Duty that would by Law be chargeable on a Duplicate or Counterpart thereof; and on all the Deeds or Instruments being produced duly stamped accordingly it shall be lawful for the Commissioners of Inland Revenue, on being satisfied as to the Facts, to impress the Deeds or Instruments not having the Duty of One Pound Fifteen Shillings thereon with a particular Stamp to denote the Payment of such Duty on some other Instrument. On Appointment of new Trustees where several Deeds are required, one only shall be charged with the full Stamp Duty, and the others as Duplicates.

XXXI. Whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain Stamp Duties were imposed on a Duplicate or Counterpart of any Deed or Instrument chargeable with Stamp Duty under that Act, or any Act then in force, and also certain progressive Duties on any such Deed or Instrument, the said Duties respectively being regulated by the Amount of Stamp Duty otherwise chargeable on such last-mentioned Deed or Instrument, and on the original Deed or Instrument in the Case of a Duplicate or Counterpart: For disposing of Doubts as to the Duties chargeable on any such Duplicate or Counterpart, and the progressive Duties on any Deed or Instrument, where, by any Act since passed or hereafter to be passed Stamp Duties, not being progressive Duties, have been or may be granted or imposed on any Deed or Instrument, be it enacted, That the progressive Duties payable on any such last-mentioned Deed or Instrument, and the Stamp Duties on any Duplicate or Counterpart thereof, shall, in the Absence of any express Provision in that Behalf, be the same as would have been payable if the Stamp Duties on such Deed or Instrument had been imposed or granted by the aforesaid Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign. Duties on Duplicates and Counterparts and progressive Duties in certain Cases.

XXXII. In any Case where, under any Act of Parliament now Adhesive Stamps

may be affixed and cancelled by an authorized Officer of Inland Revenue.

now or hereafter in force, it is or shall be competent to or incumbent upon any Person or Persons to affix to any Instrument chargeable with Stamp Duty an adhesive Stamp to denote such Duty, and to cancel the same, it shall be lawful for any Officer of Inland Revenue, duly authorized by the Commissioners of Inland Revenue in that Behalf, on any such Instrument being produced to him, to affix thereto the proper adhesive Stamp, and to cancel the same by any Means the Commissioners may think proper; and thereupon the said Instrument shall be deemed to be as well and sufficiently stamped as if the Stamp had been affixed and cancelled by the Person or Persons allowed or required by Law to affix and cancel the same, and as if the Instrument had been impressed with a Stamp denoting the same Amount of Duty as the Stamp so affixed: Provided that nothing herein contained shall authorize the stamping of any Instrument not allowed by Law to be stamped after it is made, signed, or issued, or after the Expiration of any Period by Law limited for stamping the same, nor in any way alter or affect the Law requiring the Payment of a Penalty on the stamping of any such Instrument.

Mode of cancelling adhesive Stamps.

XXXIII. In any Case where an adhesive Stamp used for denoting any Stamp Duty is required by Law to be cancelled by any Person, by Writing thereon his Name or the Name of his Firm, it shall be sufficient if, instead of the Name in full, the Initials thereof shall be so written, or shall be stamped or impressed in Ink thereon, together with any other Particulars specially required by Law to be written thereon, provided that by means thereof the Stamp shall be effectually obliterated and cancelled, so as not to admit of its being used again, anything in any Act to the contrary notwithstanding; and where the adhesive Stamp on any Foreign Bill or Promissory Note shall, on such Bill or Note being received by any Person who shall be or become the *bona fide* Holder thereof, be effectually obliterated, and shall purport and appear to be duly cancelled, the same shall, so far as relates to such Holder, be deemed to be sufficiently cancelled: Provided that where any such Bill or Note when so received by any such Person as last aforesaid shall have affixed thereto a proper and sufficient adhesive Stamp, but such Stamp shall not be duly cancelled, it shall be competent to the Holder to cancel the same as if he were the Person first negotiating the Bill or Note; and upon his so doing such Bill or Note shall be deemed to be duly stamped, and shall be as valid and as available by such Holder and any prior or subsequent Holder as it would have been if the Stamp had been affixed and cancelled as by Law required by the First Holder, anything in any Act to the contrary notwithstanding; but nothing

nothing herein contained shall relieve any Person who ought to cancel such Stamp from any Penalty incurred by not cancelling the same as required by Law.

Bills of Sale to be produced stamped on filing Copies and Deeds to be stamped before registered.

XXXIV. No Copy of any Bill of Sale of Personal Chattels shall be filed in any Court unless the Original shall be produced to the proper Officer with whom the Copy is to be filed, duly stamped with the Duty to which the same may be liable; and no Deed or Instrument liable to Stamp Duty shall be registered until the same is duly stamped.

Licences to Joint Stock Banks not required to specify the Names of more than Six Persons.

XXXV. Whereas the Licences and Certificates granted to Bankers and Persons acting as Bankers in *Great Britain* and *Ireland* respectively, by or under the Authority of the Commissioners of Inland Revenue, are required by Law to specify, amongst other things, the Names and Places of Abode of all the Persons composing the respective Companies or Partnerships to whom they are granted: Be it enacted, That in any Case where a Company or Copartnership of Bankers consists of more than Six Persons it shall be sufficient to specify in any such Licence or Certificate the Names and Places of Abode of any Six or more of such Persons who may be presented to the Commissioners or their Officer, or whom they or he may select for the Purpose, and to grant the Licence or Certificate to them as and for the whole of the Company or Copartnership, or otherwise to specify only the Name or Style of the Company or Copartnership, and to grant the Licence or Certificate to such Company or Copartnership in and by the said Name or Style, as the Commissioners or their Officer shall think fit; and every such Licence and Certificate respectively shall be as good, valid, and available as if the Names and Places of Abode of all the Members of the Company or Copartnership had been specified therein, and the Licence had been granted to them, anything in any Act of Parliament to the contrary notwithstanding; but this shall not in any way alter or affect the Provisions of any Act of Parliament whereby any Banking Company or Copartnership is required to make any Account or Return of the Names and Places of Abode of all the Members or Partners of such Company or Copartnership, and any other Particulars relating thereto.

The Provision made for assessing the Income Tax on the Interest and Dividends payable in the

XXXVI. The Provision made by the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Eighty, Section Two, and the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Section Ten, for the assessing and charging the Income Tax on Interest, Dividends, or other annual Payments payable out of or in respect of the Stocks, Funds, or Shares of any Foreign Company, Society, Adventure, or Concern, shall be and the same

United Kingdom arising out of Foreign Companies extended to Colonial Companies.

same is hereby extended and shall be applied to the assessing and charging of the Income Tax on all Interest, Dividends, or other annual Payments payable out of or in respect of the Stocks, Funds, or Shares of any Colonial Company, Society, Adventure, or Concern, and in respect of any Securities given by or on account of any such Colonial Company, Society, Adventure, or Concern, and which said Interest, Dividends, or annual Payments have been or shall be intrusted to any Person in the United Kingdom for Payment to any Persons, Corporations, Companies, or Societies in the United Kingdom; and for this purpose the said Section Ten of the last-mentioned Act and this Enactment shall be read and construed together as One Enactment, in like Manner as if the Words "or Colonial" had been inserted and contained in the said Section Ten, immediately after the Word "Foreign," used therein with reference to any Company, Society, Adventure, or Concern.

Inspector or Surveyor to certify to Commissioners Cases in which Persons assessed are succeeded in their Trade or Business by other Persons, and Commissioners may apportion and adjust the Assessment.

XXXVII. In any Case in which an Assessment shall be made under Schedule D. of the Acts relating to the Income Tax, and the Party assessed shall within the Year of Assessment cease to carry on the Concern in respect of which the Assessment shall be made, and shall be succeeded therein by another Person, it shall be lawful for the Inspector or Surveyor of the District within which the Change may take place, at any Time before the Expiration of Three Calendar Months from the Fifth Day of *April* next after such Change, to certify to the Commissioners for the District in which the Assessment shall have been made the Particulars thereof, and the Christian and Surname and Place of Residence of the Person assessed, and of the Successor to the Concern, and also the Date of the Change in the carrying on of the said Concern, if the same shall be known to the said Inspector or Surveyor; and upon the Receipt of such Certificate the Commissioners shall cause Notice to be given to the respective Parties of a Time and Place appointed for a Meeting of Commissioners for considering the same; and the Commissioners shall, upon the Examination of the respective Parties, if in Attendance, or upon such other Proof of the Facts as may be satisfactory to the said Commissioners, adjust and apportion the Assessment by charging the Successor with a fair Proportion thereof from the Period of his succeeding to the Concern and relieving the Person originally assessed from a like Amount.

Commissioners Determination final.

XXXVIII. The Determination of the Commissioners upon any such Certificate shall be final, and the Assessment so adjusted shall be recoverable from the respective Parties in like Manner as an Original Assessment; provided that if in any Case

Case either of the said Parties shall have paid in respect of any Assessment so certified more than the Proportion which shall appear by the Determination of the Commissioners to be chargeable on him, then the Amount which shall have been so overpaid shall, when recovered from the Party liable, be paid to the Person by whom the Overpayment may have been made. Recovery of adjusted Assessment.

As to Land Tax.

XXXIX. And whereas an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Thirty-two, to provide for the Application of Monies arising from the Excess or Surplus of Land Tax assessed in certain Cases beyond the Quota or Proportion payable by the several Parishes or Places in *Great Britain* respectively, and it is expedient to make further and other Provision for the Application of such Monies for the Benefit of such respective Parishes or Places: Be it enacted, That in every Case where the Assessment made or to be made and allowed under the Provisions of the Acts relating to the Land Tax, for or upon any Parish or Place in any District or Division in *Great Britain*, shall exceed by any Amount or Sum whatever the Quota or Proportion payable to Her Majesty by or for such Parish or Place under the Provisions of the said Acts, the Excess or Surplus which shall be collected over and above the said Quota shall be accounted for and paid in the due and ordinary Course of Collection to the Receiver General of Inland Revenue, and shall be by him paid into the Bank of *England* to the Credit of an Account to be opened in the Books of the said Bank with the Commissioners for the Reduction of the National Debt, and to be entitled "The Account of Surplus Land Tax;" and the Commissioners of Inland Revenue shall cause to be opened and kept in the Books of the Inland Revenue Office at *Somerset House* an Account with every such Parish and Place respectively, and in every such last-mentioned Account shall be entered the Sums of Money from Time to Time collected from every such respective Parish and Place, and paid to the said Receiver General as such Surplus Land Tax as aforesaid. All Surplus Land Tax collected in any Parish to be paid to the Receiver General of Inland Revenue, and by him into the Bank of England to an Account to be opened for that Purpose.

XL. Whenever the Amount of such Surplus Land Tax standing to the Credit of any Parish or Place in any such Account as last mentioned shall be sufficient, according to the Rules established by Law for computing the Consideration Money for the Redemption of Land Tax, to redeem the Sum of Three Pounds Land Tax, or to redeem the whole of the Land Tax chargeable on such Parish or Place, if the same shall be less than Three Pounds, the Commissioners of Inland Revenue Surplus Land Tax to be applied in the Redemption of Land Tax chargeable on the Parish in

which it has arisen.

Revenue shall certify that Fact to the Commissioners for the Reduction of the National Debt, who shall thereupon apply and appropriate in the Purchase and cancelling of Parliamentary Stocks or Annuities such Sum of the Monies standing in their Names to the Credit of the said Account of Surplus Land Tax as the said Commissioners of Inland Revenue shall certify to them to be a sufficient Consideration, computed according to the Rules aforesaid, for the Redemption of the Amount of Land Tax mentioned in their Certificate as intended to be redeemed thereby.

Commissioners of Inland Revenue to certify the Appropriation of Surplus Land Tax, and thereupon Parish to be exonerated from the Amount redeemed.

XLI. The Commissioners of Inland Revenue, having transmitted such Certificate as aforesaid to the Commissioners for the Reduction of the National Debt, shall cause the Parish or Place named in the said Certificate to be debited in the Surplus Land Tax Account in the Books of the Inland Revenue Office with the Sum specified in the said Certificate as the Sum to be applied in the Redemption of Land Tax chargeable upon such Parish or Place, and the said Commissioners of Inland Revenue shall also certify to the Commissioners of Land Tax for the District or Division in which the said Parish or Place is situated that the said Sum has been so applied, and also the Amount of Land Tax redeemed thereby, and thereupon the said Parish or Place shall stand exonerated and discharged from the said Amount of Land Tax from such of the quarterly Days for Payment of Land Tax as shall next precede the Day of the Date of the last-mentioned Certificate; and the said last-mentioned Certificate shall be registered in the Books of the proper Officer for the Registration of Land Tax redeemed.

So much of 6 G. 4. c. 32. as directs any other Appropriation repealed.

XLII. So much of the said Act of the Sixth Year of King *George* the Fourth, Chapter Thirty-two, as enacts or directs that the Surplus Land Tax arising in any Parish or Place shall be applied or appropriated in any other Manner than as by this Act is directed, shall be and the same is hereby repealed.

Not to repeal 4 & 5 W. 4. c. 60. s. 6. authorizing Remuneration to Assessors for making Assessments of Land Tax.

XLIII. Provided always, That nothing in this Act contained shall extend to repeal the Sixth Section of the Act passed in the Fourth and Fifth Years of King *William* the Fourth, Chapter Sixty, or to prevent the Commissioners of Land Tax from deducting from the Surplus Land Tax which shall arise in any Parish or Place before Payment thereof to the Receiver General of Inland Revenue such Sum or Sums of Money as by or under the said last-mentioned Enactment are or may be directed or authorized to be paid to the Assessors of such Parish or Place as a Remuneration for their Trouble in making the Assessments to the Land Tax.

Construc-

XLIV. The Term "Parish or Place," used in this Act with reference

reference to Land Tax, shall include and be construed to mean any City, Borough, Town, Parish, Ward, or Place. tion of the Term "Parish or Place."

As to Land, Assessed, and Income Taxes.

XLV. Every Collector of any of the said Taxes shall upon clearing his Account for any of such Taxes deliver to the Commissioners by whom he was appointed the Duplicate of the Assessment for the Year and Tax to which such Account relates, together with the Books or Book of Receipts and Counterfoils furnished for his Use in the Collection of such Taxes, or in default thereof he shall forfeit the Sum of Fifty Pounds. Duplicates of Assessments, &c. to be delivered to Commissioners by Collector upon clearing his Account.

XLVI. Where any Person against whom an Information shall be exhibited before a Justice of the Peace for any Offence committed by such Person against any Act relating to the Inland Revenue shall be in Prison on any Account whatever at the Time appointed for the Hearing of such Information, the Commissioners of Inland Revenue shall cause to be obtained and issued out of the Court of Exchequer in *England*, *Scotland*, or *Ireland*, as the Case may require, a Writ of Habeas Corpus directed to the Governor or Keeper of the Prison in which such Person shall be confined, commanding him to convey such Person to the Place of Hearing to be specified in such Writ, in order that the said Person may answer the said Information and attend the Trial thereof; and such Writ of Habeas Corpus shall be issued out of either of the said Courts, on Application made by any One of the Solicitors of Inland Revenue in *England, Scotland,* or *Ireland*, on behalf of the said Commissioners, to any Baron or Judge of any of the Superior Courts of Law in *England, Scotland*, and *Ireland* respectively; and it shall be lawful for the Justices or Magistrate before whom any such Information shall be brought for Adjudication to refuse to proceed with the said Information in the Absence of the Person charged, when satisfactory Proof shall be made that such Person is confined in Prison. Persons in Prison against whom Informations are exhibited for Offences against the Inland Revenue to be brought up by Habeas Corpus at the Hearing of such Informations.

CAP. XCII.

An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions.—[6*th* August 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Proceedings for enforcing Payment of Succession and Legacy Duties.

I. Where any Assessment of Duty shall be made in pursuance of the Succession Duty Act, 1853, and the Duty shall not be paid, and there shall be no Appeal from the Assessment, where there shall be no Notice of disputing the Liability to such Assessment, the Commissioners of Inland Revenue shall be and they are hereby empowered to take the same or the like Proceedings for enforcing the Payment of such Duty, or any Part thereof, from any Person liable for the same, or the Owner of any Property expressly charged therewith, in like Manner as they are by Section Forty-seven of the same Act authorized to take for enforcing the Delivery of an Account, including all the Costs of such Proceedings; and where Proceedings shall be taken under the said Section against any accountable Party, and an Account shall be delivered in pursuance thereof, no Cause being shown as therein mentioned, such Party shall, on paying the Duty assessed on such Account, pay also the Costs of the Proceedings; and where Proceedings shall be taken as authorized by Section Forty-eight of the same Act, to enforce the Delivery of Accounts under the Legacy Duty Acts, such Proceeding shall also extend to the Payment of the Duty, if any, together with the Costs of the Proceedings; and for any of the Purposes aforesaid the Judges of the respective Courts of Exchequer shall frame all necessary Writs and Orders; and when any such Proceedings shall be discharged the Crown shall be liable to pay Costs to the Party proceeded against, and in all such Cases an Appeal shall lie from any Judgment of the Court in the same Manner as from any Judgment in a Proceeding by Information at the Suit of the Attorney General.

Certain Provisions in 22 & 23 Vict. c. 21. relating to summary Proceedings in England to extend to Ireland.

II. Whereas an Act was passed in the Twenty-second and Twenty-third Years of Her present Majesty's Reign, Chapter Twenty-one, for regulating the Office of Queen's Remembrancer, and amending the Practice and Procedure on the Revenue Side of the Court of Exchequer in *England*, and it is expedient that certain of the Provisions contained in the said Act should extend to *Ireland:* Be it enacted, That the Provisions contained in Sections Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen of the said last-mentioned Act shall, so far as the same are applicable, extend to *Ireland*, and the said Sections shall be read as if the same were expressly enacted in reference to *Ireland*.

No Return of Probate Duty to be made for voluntary Debts.

III. No Return of Stamp Duty paid upon any Probate or Letters of Administration in *England* or *Ireland*, or any Inventory of the Estate and Effects of any deceased Person in *Scotland*, shall be made or allowed in respect of any voluntary Debt

Debt due from any Person dying after the Twenty-eighth Day of *June* One thousand eight hundred and sixty-one, which shall be expressed to be payable on the Death of such Person or payable under any Instrument which shall not have been *bonâ fide* delivered to the Donee thereof Three Months before the Death of such Person.

CAP. XCIII.

An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments.—[*6th* August 1861.]

CAP. XCIV.

An Act to consolidate and amend the Statute Law of England *and* Ireland *relating to Accessories to and Abettors of indictable Offences.*—[*6th* August 1861.]

CAP. XCV.

An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters.—[*6th* August 1861.]

WHEREAS by Six several Acts of the present Session of Parliament, relating respectively to Offences against the Person, Malicious Injuries to Property, Larceny, Forgery, Coining, and Accessories and Abettors, divers Acts and Parts of Acts have been consolidated and amended, and it is expedient to repeal the Enactments so consolidated and amended, and certain other Enactments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

Repeal of Acts and Parts of Acts mentioned in Schedule.

I. The several Acts and Parts of Acts in the Schedule hereto annexed shall continue in force until and throughout the last Day of *October* in the present Year, and shall from and after that Day be repealed to the Extent following; (that is to say,) in any Case where the Enactment does not form Part of the Law of *Scotland* then the Enactment shall be wholly repealed, but in any Case where the Enactment does form Part of the Law of *Scotland*, then the Enactment shall be wholly repealed as to every other Place, but shall not be repealed as to *Scotland*, unless otherwise expressly mentioned.

Repeal not to affect the Colonies in certain Cases.

II. Provided, That where any Enactment shall have been extended to any Part of Her Majesty's Dominions out of the United Kingdom by any Act of the Parliament of the United Kingdom or otherwise, the same shall not be repealed as to that Part of Her Majesty's Dominions.

Repeal not to affect Offences, &c. committed before the Commencement of this Act.

III. Provided also, That every Offence which shall have been wholly or partly committed against any of the said Acts or Parts of Acts before this Act comes into operation shall be dealt with, inquired of, tried, determined, and punished, and every Penalty in respect of any such Offence shall be recovered, in the same Manner as if the said Acts and Parts of Acts had not been repealed; and that every Act duly done, and every Warrant and other Instrument duly made or granted, before this Act comes into operation, shall continue and be of the same Force and Effect as if the said Acts and Parts of Acts had not been repealed; and that every Right, Liability, Privilege, and Protection in respect of any Matter or Thing committed or done before this Act comes into operation shall continue and be of the same Force and Effect as if the said Acts and Parts of Acts had not been repealed; and that every Action, Prosecution, and other Proceeding which shall have been commenced before this Act comes into operation, or shall thereafter be commenced, in respect of any such Matter or Thing, may be prosecuted, continued, and defended in the same Manner as if the said Acts and Parts of Acts had not been repealed.

Repeal not to affect any Authority to amend Registers of Births, &c.

IV. Provided also, That nothing herein contained shall in any Manner alter or affect any Power or Authority given by any Act to alter or amend any Register of Births, Baptisms, Marriages, Deaths, or Burials.

The

The SCHEDULE.

References to Act.	Title of Act.	Extent of Repeal.
10 C. 1. Sess. 3. c. 20. (I.)	An Act against such as shall levie any Fine, suffer any Recovery, acknowledge any Statute, Recognizance, Baile, or Judgment in the Name of any other Person or Persons not being privie and consenting thereto.	The whole.
7 W. 3. c. 18. (I.) -	An Act for taking Special Bails in the Country upon Actions and Suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin.	Section Four.
2 & 3 Ann. c. 4. -	An Act for the public registering of Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments within the West Riding of the County of York after the Nine-and-Twentieth Day of September One thousand seven hundred and four.	So much of Section Nineteen as relates to any forging or counterfeiting therein mentioned.
6 Ann. c. 2. (I.) -	An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments.	So much of Section Seventeen as relates to any forging or counterfeiting therein mentioned.
6 Ann. c. 35. - -	An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances, that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the East Riding of the County of York, or the Town and County of the Town of Kingston-upon-Hull, after the Nine-and-twentieth Day of September One thousand seven hundred and eight; and for the rendering the Register in the West Riding more complete.	So much of Section Twenty-six as relates to any forging or counterfeiting therein mentioned.
7 Ann. c. 20. - -	An Act for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances, which shall be made of, or that may affect Honors, Manors, Lands, Tenements, or Hereditaments within the County of Middlesex after the Twenty-ninth Day of September One thousand seven hundred and Nine.	So much of Section Fifteen as relates to any forging or counterfeiting therein mentioned.

References to Act.	Title of Act.	Extent of Repeal.
8 Ann. c. 10. (I.) -	An Act for amending an Act intituled "An Act for the public registering of "all Deeds, Conveyances, and Wills "that shall be made of any Honors, "Manors, Lands, Tenements, or Here- "ditaments."	So much of Section Four as relates to any forging or counterfeiting therein mentioned.
8 Geo. 1. c. 15. (I.) -	An Act for explaining and amending Two several Acts in relation to the public registering of Deeds, Conveyances, and Wills.	So much of Section Four as relates to any forging or counterfeiting therein mentioned.
11 Geo. 1. c. 9. -	An Act for continuing the several Annuities of Eighty-eight thousand seven hundred fifty-one Pounds Seven Shillings and Tenpence Halfpenny and One hundred thousand Pounds to the Bank of England until Midsummer One thousand seven hundred and twenty-seven, and from thence for reducing the same to Seventy-one thousand and One Pounds Two Shillings and Threepence Three Farthings and Eighty thousand Pounds, redeemable by Parliament, and for preventing the uttering of forged, counterfeited, or erased Bank Bills or Notes.	Section Six.
12 Geo. 1. c. 32. -	An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds, and Indorsements thereon; as likewise Indorsements on South Sea Bonds.	Section Nine.
3 Geo. 2. c. 4. (I.) -	An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and others.	Section One.
8 Geo. 2. c. 6. - -	An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the North Riding of the County of York, after the Nine-and-twentieth Day of September One thousand seven hundred and thirty-six.	So much of Section Thirty-one as relates to any forging or counterfeiting therein mentioned.

References to Act.	Title of Act.	Extent of Repeal.
15 Geo. 2. c. 13. -	An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of One million six hundred thousand Pounds towards the Supply for the Service of the Year One thousand seven hundred and forty-two.	Section Twelve.
17 Geo. 2. c. 11. (I.)	An Act for the Amendment of the Law in relation to Forgery, and the Salvage of Ships and Goods stranded.	Section One.
13 & 14 Geo. 3. c. 14. (I.)	An Act for the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the Numbers or Principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods.	The whole.
21 & 22 Geo. 3. c. 16. (I.)	An Act for establishing a Bank by the Name of the Governors and Company of the Bank of Ireland.	Sections Fifteen and Sixteen.
23 & 24 Geo. 3. c. 22. (I.)	An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank; and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects; and for other Purposes.	Section Twenty-two.
25 Geo. 3. c. 37. (I.)	An Act to explain and amend an Act passed in the Thirteenth and Fourteenth Years of the Reign of His present Majesty King George the Third, intituled "An Act for the more effectual pre- "venting the forging or altering the "Acceptance or Indorsement of Bills "of Exchange, or the Numbers or Prin- "cipal Sums of accountable Receipts "for Notes, Bills, or other Securities "for Payment of Money, or Warrants "or Orders for Payment of Money or "Delivery of Goods."	The whole.
27 Geo. 3. c. 15. (I.)	An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths.	Section Five.

References to Act.	Title of Act.	Extent of Repeal.
35 Geo. 3. c. 66.	An Act for making Part of certain Principal Sums or Stock and Annuities raised or created or to be raised or created by the Parliament of the Kingdom of Ireland on Loans for the Use of the Government of that Kingdom transferrable, and the Dividends on such Stock and Annuities payable at the Bank of England; and for the better Security of the Proprietors of such Stocks and Annuities, and of the Governor and Company of the Bank of England.	Section Three and all the subsequent Sections.
37 Geo. 3. c. 26. (I.)	An Act to prevent the forging of Notes and Bills of the Governor and Company of the Bank of Ireland, and to prevent the obtaining of false Credit, and the committing of Frauds by the Imitation of Notes or Bills of the said Governor and Company.	The whole.
37 Geo. 3. c. 46.	An Act for making certain Annuities created by the Parliament of the Kingdom of Ireland transferrable, and the Dividends thereon payable at the Bank of England; and for the better Security of the Proprietors of such Annuities, and of the Governor and Company of the Bank of England.	Section Three and all the subsequent Sections.
37 Geo. 3. c. 54. (I.)	An Act to enable the Proprietors of Debentures issued by Government to convert them into Stock transferable at the Bank of Ireland.	Section Eleven and all the subsequent Sections.
37 Geo. 3. c. 126.	An Act to prevent the counterfeiting any Copper Coin in this Realm made or to be made current by Proclamation, or any Foreign Gold or Silver Coin; and to prevent the bringing into this Realm or uttering any counterfeit Foreign Gold or Silver Coin.	The whole, both as to England and Scotland, except Section One.
38 Geo. 3. c. 53. (I.)	An Act for the more effectually preventing the forging of the Notes and Bills of the Governor and Company of the Bank of Ireland, and the Circulation of forged Notes and Bills of the said Governor and Company.	The whole.

References to Act.	Title of Act.	Extent of Repeal.
39 Geo. 3. c. 63. (I.)	An Act for the more effectually preventing the forging of Bills of Exchange and Promissory Notes, or any Acceptance, Assignment, or Indorsement thereof, or any Acquittance or Receipt for Money or Goods; and also for preventing the forging of the Promissory Notes of the Governor and Company of the Bank of England commonly called Bank Notes, and the Bills of Exchange of the said Governor and Company called Bank Post Bills.	The whole, except the last Section.
40 Geo. 3. c. 96. (I.)	An Act to revive, amend, continue, or make perpetual certain temporary Statutes.	So much of Section Five as perpetuates the Part of the 27 Geo. 3. c. 15. hereby repealed.
41 Geo. 3. c. 57. -	An Act for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers.	The whole.
43 Geo. 3. c. 139. -	An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of Foreign Copper Money.	Sections One and Two as to Ireland, and the rest of the Act as to the whole United Kingdom.
48 Geo. 3. c. 1. -	An Act for regulating the issuing and paying off of Exchequer Bills.	Section Nine.
49 Geo. 3. c. 13. (I.)	An Act for the more effectually preventing the forging of Bank Notes, Bank Bills of Exchange, and Bank Post Bills, and the Negotiation of forged and counterfeited Bank Notes, Bank Bills of Exchange, and Bank Post Bills of the Governor and Company of the Bank of Ireland.	The whole.
1 Geo. 4. c. 4. - -	An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct.	The whole.
1 Geo. 4. c. 92. - -	An Act for the Prevention of forging and counterfeiting of Bank Notes.	Sections One and Two.
3 Geo. 4. c. 116. -	An Act for the more convenient and effectual registering in Ireland Deeds executed in Great Britain.	So much of Section Seven as relates to any forging or counterfeiting therein mentioned.

No. 22. (Pub. Gen. Statutes, 1861—Scotland.)

References to Act.	Title of Act.	Extent of Repeal.
4 Geo. 4. c. 54. -	An Act for allowing the Benefit of Clergy to Persons convicted of certain Felonies, under Two Acts of the Ninth Year of King George the First and of the Twenty-seventh Year of King George the Second; for making better Provision for the Punishment of Persons guilty of sending or delivering Threatening Letters; and of Assaults with Intent to commit Robbery.	The whole.
5 Geo. 4. c. 25. (I.) -	An Act to repeal so much of an Act passed in the Ninth Year of the Reign of King William the Third as relates to Burials in suppressed Monasteries, Abbeys, or Convents in Ireland; and to make further Provision with respect to the Burial in Ireland of Persons dissenting from the Established Church.	Section Five.
7 Geo. 4. c. 64. - -	An Act for improving the Administration of Criminal Justice in England.	Sections Nine, Ten, and Eleven.
7 & 8 Geo. 4. c. 18. -	An Act to prohibit the setting Spring Guns, Man Traps, and other Engines calculated to destroy Human Life or inflict grievous bodily Harm.	The whole.
7 & 8 Geo. 4. c. 29. -	An Act for consolidating and amending the Laws of England relative to Larceny and other Offences connected therewith.	The whole, as to the whole United Kingdom.
7 & 8 Geo. 4. c. 30. -	An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property.	The whole.
9 Geo. 4. c. 31. - -	An Act for consolidating and amending the Statutes in England relative to Offences against the Person.	The whole.
9 Geo. 4. c. 54. (I.) -	An Act for improving the Administration of Justice in Criminal Cases in Ireland.	Sections Twenty-three, Twenty-four, and Twenty-five.
9 Geo. 4. c. 55. (I.) -	An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith.	The whole, as to the whole United Kingdom.
9 Geo. 4. c. 56. (I.) -	An Act for consolidating and amending the Laws in Ireland relative to malicious Injuries to Property.	The whole.
10 Geo. 4. c. 34. (I.) -	An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person.	The whole.

References to Act.	Title of Act.	Extent of Repeal.
11 Geo. 4. & 1 W. 4. c. 66.	An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.	The whole, except Section Twenty-one.
2 & 3 W. 4. c. 4. -	An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.	The whole.
2 & 3 W. 4. c. 34. -	An Act for consolidating and amending the Laws against Offences relating to the Coin.	The whole, as to the whole United Kingdom.
2 & 3 W. 4. c. 75. -	An Act for regulating Schools of Anatomy.	Section Sixteen.
2 & 3 W. 4. c. 123. -	An Act for abolishing the Punishment of Death in certain Cases of Forgery.	The whole.
3 & 4 W. 4. c. 44. -	An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases.	The whole.
4 & 5 W. 4. c. 26. -	An Act to abolish the Practice of hanging the Bodies of Criminals in Chains.	Section Two.
5 & 6 W. 4. c. 34. (I.)	An Act to amend Two Clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act for consolidating and amending "the Laws in Ireland relative to Lar- "ceny and other Offences connected "therewith."	The whole.
5 & 6 W. 4. c. 81. -	An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.	So much as relates to the Punishment of any Person who shall break and enter any Church or Chapel, and steal therein any Chattel, or having stolen any Chattel in any Church or Chapel shall break out of the same, and to Principals in the Second Degree and Accessories in such Offences.

References to Act.	Title of Act.	Extent of Repeal.
6 & 7 W. 4. c. 4. -	An Act to amend the Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.	So much as alters and amends that Part of the 5 & 6 W. 4. c. 81. which is hereby repealed.
6 & 7 W. 4. c. 30. -	An Act to repeal so much of Two Acts of the Ninth and Tenth Years of King George the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.	The whole.
6 & 7 W. 4. c. 86. -	An Act for registering Births, Deaths, and Marriages in England.	Section Forty-three.
7 W. 4. & 1 Vict. c. 77.	An Act to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Judicature within the Kingdom of England and Wales with respect to Offenders liable to the Punishment of Death.	So much of Section Three as empowers the Court to direct Sentence of Death to be recorded in Cases of Murder.
7 W. 4. & 1 Vict. c. 84.	An Act to abolish the Punishment of Death in Cases of Forgery.	So much of Sections One and Three as relates to the forging, altering, offering, uttering, disposing of, or putting off any Will, Testament, Codicil, or Testamentary Writing, or any Power of Attorney, or other Authority therein mentioned, and to Principals in the Second Degree and Accessories before the Fact in such Offences, and so much of Sections Two and Three as relates to the Punishment of any Offence created by or formerly punishable under any Enactment in this Schedule before mentioned and hereby repealed.
7 W. 4. & 1 Vict. c. 85.	An Act to amend the Laws relating to Offences against the Person.	The whole.
7 W. 4. & 1 Vict. c. 86.	An Act to amend the Laws relating to Burglary and stealing in a Dwelling House.	The whole.

References to Act.	Title of Act.	Extent of Repeal.
7 W. 4. & 1 Vict. c. 87.	An Act to amend the Laws relating to Robbery and stealing from the Person.	The whole.
7 W. 4. & 1 Vict. c. 89.	An Act to amend the Laws relating to burning or destroying Buildings and Ships.	The whole.
7 W. 4. & 1 Vict. c. 90.	An Act to amend the Law relative to Offences punishable by Transportation for Life.	The whole, except Section Five.
2 & 3 Vict. c. 58. -	An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings in the Courts of the Stannaries of Cornwall, and for the Prevention of Frauds by Workmen employed in the Mines within the County of Cornwall.	Section Ten.
3 & 4 Vict. c. 97. -	An Act for regulating Railways.	Section Fifteen.
4 & 5 Vict. c. 56. -	An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof.	Sections Two and Three, and so much of Section One as relates to Embezzlements by Officers or Servants of the Bank of England.
5 & 6 Vict. c. 28. (I.)	An Act to assimilate the Law in Ireland as to the Punishment of Death to the Law in England; to abolish the Punishment of Death in certain Cases in Ireland, and to substitute other Punishments in lieu thereof.	Sections Four, Thirteen, Fourteen, and Fifteen, and so much of Section Seven as alters the Punishment contained in any Enactment hereby repealed, and so much of Section Eighteen as relates to Principals in the Second Degree and Accessories before the Fact to any Offence mentioned in the said Sections Four, Thirteen, Fourteen, and Fifteen, or in the said Part of the said Section Eighteen hereby repealed.
5 & 6 Vict. c. 39. -	An Act to amend the Law relating to Advances bonâ fide made to Agents intrusted with Goods.	Section Six.

References to Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict. c. 66. -	An Act for further regulating the Preparation and Issue of Exchequer Bills.	Sections Nine and Ten.
5 & 6 Vict. c. 106. (I.)	An Act to regulate the Irish Fisheries.	Sections Eleven and Twelve.
6 & 7 Vict. c. 10. -	An Act for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act of the Fourth and Fifth Years of Her present Majesty, "for taking away the Punishment of Death in certain Cases," for certain Offences therein specified.	The whole.
7 & 8 Vict. c. 62. -	An Act to amend the Law as to burning Farm Buildings.	The whole.
7 & 8 Vict. c. 81. (I.)	An Act for Marriages in Ireland, and for registering such Marriages.	Section Seventy-five.
8 & 9 Vict. c. 44. -	An Act for the better Protection of Works of Art and Scientific and Literary Productions.	The whole.
8 & 9 Vict. c. 47. -	An Act for the further Prevention of the Offence of Dog Stealing.	The whole.
8 & 9 Vict. c. 108. (I.)	An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty for regulating the Irish Fisheries.	Section Eighteen.
9 & 10 Vict. c. 25. -	An Act for preventing malicious Injuries to Persons and Property by Fire or by explosive or destructive Substances.	The whole.
10 & 11 Vict. c. 66. -	An Act for extending the Provisions of the Law respecting threatening Letters, and accusing Parties with a view to extort Money.	The whole.
11 & 12 Vict. c. 46. -	An Act for the Removal of Defects in the Administration of Criminal Justice.	Sections One, Two, and Three.
12 & 13 Vict. c. 11. -	An Act to amend the Laws of England and Ireland relative to Larceny and other Offences connected therewith.	The whole.
12 & 13 Vict. c. 76. -	An Act to protect Women from fraudulent Practices for procuring their Defilement.	The whole.
13 & 14 Vict. c. 72. (I.)	An Act to amend the Laws for the Registration of Assurances of Lands in Ireland.	Section Sixty-two.

References to Act.	Title of Act.	Extent of Repeal.
13 & 14 Vict. c. 88. (I.)	An Act to amend the Law relating to Engines used in the Rivers and on the Seacoasts of Ireland for the taking of Fish.	Section Forty-two.
14 & 15 Vict. c. 11. -	An Act for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases.	Sections One, Two, Six, and Seven.
14 & 15 Vict. c. 19. -	An Act for the better Prevention of Offences.	Sections One, Two, Three, Four, Six, Seven, Eight, and Nine.
14 & 15 Vict. c. 92. (I.)	An Act to consolidate and amend the Acts relating to certain Offences and other Matters, as to which Justices of the Peace exercise summary Jurisdiction in Ireland.	Sections Two, Three, Four, and Five.
14 & 15 Vict. c. 100. -	An Act for further improving the Administration of Criminal Justice.	Sections Four, Six, Eight, Eleven, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and so much of Section Five as relates to forging or uttering any Instrument, and so much of Section Twenty-nine as relates to any indecent Assault, or any Assault occasioning actual bodily Harm or any Attempt to have carnal Knowledge of a Girl under Twelve Years of Age.
16 & 17 Vict. c. 23. -	An Act for redeeming or commuting the Annuity payable to the South Sea Company, and certain Annuities of Three Pounds per Centum per Annum, and for creating new Annuities of Three Pounds Ten Shillings per Centum per Annum, and Two Pounds Ten Shillings per Centum per Annum, and issuing Exchequer Bonds.	Section Forty-one.
16 & 17 Vict. c. 30. -	An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.	Section One.

References to Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 99. -	An Act to substitute in certain Cases other Punishment in lieu of Transportation.	Section Twelve.
16 & 17 Vict. c. 102. -	An Act to prevent the defacing of the current Coin of the Realm.	The whole, as to the whole United Kingdom.
16 & 17 Vict. c. 113. -	An Act to amend the Procedure in the Superior Courts of Common Law in Ireland.	So much of Section Seventy-one as relates to any Action which shall be commenced against any Person for anything done in pursuance of any of the Acts of this Session for consolidating and amending the Statute Law of England and Ireland relating to Larceny, Malicious Injuries, and Coin.
16 & 17 Vict. c. 132. -	An Act to extend the Provisions of an Act of the present Session for redeeming or commuting the Annuity payable to the South Sea Company and certain Annuities of Three Pounds per Centum per Annum, and to provide for Payments to be made under the said Act.	Sections Ten and Eleven.
17 & 18 Vict. c. 33. -	An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and Public Buildings.	Section Six.
20 & 21 Vict. c. 54. -	An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.	The whole.
21 & 22 Vict. c. 3. -	An Act for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India.	Section Ten.
21 & 22 Vict. c. 47. -	An Act to amend the Law of false Pretences.	The whole.
21 & 22 Vict. c. 79. -	An Act to amend the Law relating to Cheques or Drafts on Bankers.	Section Three.
21 & 22 Vict. c. 106. -	An Act for the better Government of India.	Section Fifty.

References to Act.	Title of Act.	Extent of Repeal.
22 Vict. c. 11. -	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section Ten.
22 & 23 Vict. c. 32. -	An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales.	Section Twenty-five.
22 & 23 Vict. c. 39. -	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section Thirteen.
23 & 24 Vict. c. 8. -	An Act to amend the Law relating to the unlawful administering of Poison.	The whole.
23 & 24 Vict. c. 29. -	An Act to amend an Act relative to Malicious Injuries to Property.	The whole.
23 & 24 Vict. c. 130. -	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section Thirteen.

CAP. XCVI.

No. 23. (Pub. Gen. Statutes, 1861—Scotland.)

CAP. XCVI.

An Act to consolidate and amend the Statute Law of England *and* Ireland *relating to Larceny and other similar Offences.*—[*6th* August 1861.]

CAP. XCVII.

An Act to consolidate and amend the Statute Law of England *and* Ireland *relating to Malicious Injuries to Property.*—[*6th* August 1861.]

CAP. XCVIII.

An Act to consolidate and amend the Statute Law of England *and* Ireland *relating to indictable Offences by Forgery.*—[*6th* August 1861.]

CAP. XCIX.

An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.—[*6th* August 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

Current Gold and Silver Coin.

I. In the Interpretation of and for the Purposes of this Act, the Expression "the Queen's current Gold or Silver Coin" shall include any Gold or Silver Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's Dominions, whether

whether within the United Kingdom or otherwise; and the Expression "the Queen's Copper Coin" shall include any Copper Coin and any Coin of Bronze or mixed Metal coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions; and the Expression "false or counterfeit Coin "resembling or apparently intended to resemble or pass for any "of the Queen's current Gold or Silver Coin" shall include any of the current Coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any Manner altered, so as to resemble or be apparently intended to resemble or pass for any of the Queen's current Coin of a higher Denomination; and the Expression "the Queen's current Coin" shall include any Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions, and whether made of Gold, Silver, Copper, Bronze, or mixed Metal; and where the having any Matter in the Custody or Possession of any Person is mentioned in this Act, it shall include, not only the having of it by himself in his personal Custody or Possession, but also the knowingly and wilfully having it in the actual Custody or Possession of any other Person, and also the knowingly and wilfully having it in any Dwelling House or other Building, Lodging, Apartment, Field, or other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or Benefit or for that of any other Person.

Copper Coin.

False or counterfeit Coin.

Current Coin.

What shall be Possession.

II. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Counterfeiting the Gold or Silver Coin.

III. Whosoever shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Piece of Silver or Copper, or of coarse Gold or coarse

Colouring counterfeit Coin or any Pieces of Metal with Intent to make them pass for Gold or Silver Coin.

coarse Silver, or of any Metal or Mixture of Metals respectively, being of a fit Size and Figure to be coined, and with Intent that the same shall be coined into false and counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Silver Coin, or file or in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or Silver, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Copper Coin, or file or in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Colouring or altering genuine Coin with Intent to make it pass for a higher Coin.

IV. Whosoever shall impair, diminish, or lighten any of the Queen's current Gold or Silver Coin, with Intent that the Coin so impaired, diminished, or lightened may pass for the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Impairing the Gold or Silver Coin with Intent, &c.

V. Whosoever shall unlawfully have in his Custody or Possession any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current Gold or Silver Coin, knowing the same to have been so produced or obtained, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Unlawful Possession of Filings or Clippings of Gold or Silver Coin.

VI. Whosoever,

Buying or selling, &c. counterfeit Gold or Silver Coin for lower Value than its Denomination.

VI. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin at or for a lower Rate or Value than the same imports or was apparently intended to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for any such Offence as in this Section aforesaid it shall be sufficient to allege that the Party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit Coin at or for a lower Rate or Value than the same imports or was apparently intended to import, without alleging at or for what Rate, Price, or Value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

Importing counterfeit Coin from beyond Seas.

VII. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall import or receive into the United Kingdom from beyond the Seas any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Exporting counterfeit Coin.

VIII. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall export, or put on board any Ship, Vessel, or Boat for the Purpose of being exported from the United Kingdom, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

IX. Whosoever

Uttering counterfeit Gold or Silver Coin.

IX. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Uttering, accompanied by Possession of other counterfeit Coin, or followed by a Second Uttering.

X. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and shall, at the Time of such tendering, uttering, or putting off, have in his Custody or Possession, besides the false or counterfeit Coin so tendered, uttered, or put off, any other Piece of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, or shall, either on the Day of such tendering, uttering, or putting off, or within the Space of Ten Days then next ensuing, tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Having Three or more Pieces of counterfeit Gold or Silver Coin in possession, &c. with Intent, &c.

XI. Whosoever shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Every Second Offence of uttering, &c. after a previous Conviction shall be Felony.

XII. Whosoever, having been convicted, either before or after the passing of this Act, of any such Misdemeanor or Crime and Offence as in any of the last Three preceding Sections mentioned, or of any Felony or high Crime and Offence against this or any former Act relating to the Coin, shall afterwards commit any of the Misdemeanors or Crimes and Offences in any of the said

said Sections mentioned, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering Foreign Coin, Medals, &c. as current Coin, with Intent to defraud.

XIII. Whosoever shall, with Intent to defraud, tender, utter, or put off as or for any of the Queen's current Gold or Silver Coin, any Coin not being such current Gold or Silver Coin, or any Medal or Piece of Metal or mixed Metals, resembling in Size, Figure, and Colour the current Coin as or for which the same shall be so tendered, uttered, or put off, such Coin, Medal, or Piece of Metal or mixed Metals so tendered, uttered, or put off being of less Value than the current Coin as or for which the same shall be so tendered, uttered, or put off, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Counterfeiting, &c. Copper Coin.

XIV. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin; and whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Instrument, Tool, or Engine adapted and intended for the counterfeiting any of the Queen's current Copper Coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, at or for a lower Rate or Value than the same imports or was apparently intended to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering base Copper Coin.

XV. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, or shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling

resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Defacing the Coin by Stamping Words thereon.

XVI. Whosoever shall deface any of the Queen's current Gold, Silver, or Copper Coin, by stamping thereon any Names or Words, whether such Coin shall or shall not be thereby diminished or lightened, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering the same.

XVII. No Tender of Payment in Money made in any Gold, Silver, or Copper Coin so defaced by stamping as in the last preceding Section mentioned shall be allowed to be a legal Tender; and whosoever shall tender, utter, or put off any Coin so defaced shall, on Conviction thereof before Two Justices, be liable to forfeit and pay any Sum not exceeding Forty Shillings: Provided that it shall not be lawful for any Person to proceed for any such last-mentioned Penalty without the Consent, in *England* or *Ireland*, of Her Majesty's Attorney General for *England* or *Ireland* respectively, or in *Scotland* of the Lord Advocate.

Counterfeiting Foreign Gold and Silver Coin.

XVIII. Whosoever shall make or counterfeit any Kind of Coin not being the Queen's current Gold or Silver Coin, but resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Bringing such counterfeit Coin into the United Kingdom.

XIX. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall bring or receive into the United Kingdom any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of

a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty for uttering such counterfeit Coin.

XX. Whosoever shall tender, utter, or put off any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Second Offence of uttering counterfeit Foreign Coin.

Third Offence.

XXI. Whosoever, having been so convicted as in the last preceding Section mentioned, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland* be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and whosoever, having been so convicted of a Second Offence, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Persons counterfeiting Foreign Coin other than Gold and Silver Coin.

XXII. Whosoever shall falsely make or counterfeit any Kind of Coin not being the Queen's current Coin, but resembling or apparently intended to resemble or pass for any Copper Coin, or any other Coin made of any Metal or mixed Metals of less Value than the Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, for the First Offence to be imprisoned for any Term not exceeding One Year, and for the Second Offence to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than

than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty on Persons having more than FivePieces of such counterfeit Foreign Coin in their Possession.

XXIII. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall have in his Custody or Possession any greater Number of Pieces than Five Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, or any such Copper or other Coin as in the last preceding Section mentioned, shall, on Conviction thereof before any Justice of the Peace, forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice, and shall for every such Offence forfeit and pay any Sum of Money not exceeding Forty Shillings nor less than Ten Shillings for every such Piece of false and counterfeit Coin which shall be found in the Custody or Possession of such Person, one Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in case any such Penalty shall not be forthwith paid it shall be lawful for any such Justice to commit the Person who shall have been adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to Hard Labour for the Space of Three Months, or until such Penalty shall be paid.

Making, mending, or having Possession of any Coining Tools, Felony.

XXIV. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, or Mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the Figure, Stamp, or apparent Resemblance of both or either of the Sides of any of the Queen's current Gold or Silver Coin, or of any Coin of any Foreign Prince, State, or Country, or any Part or Parts of both or either of such Sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Edger, Edging or other Tool, Collar, Instrument, or Engine adapted and intended for the marking of Coin round the Edges with Letters, Grainings, or other Marks or Figures apparently resembling those on the Edges of any such Coin as in this Section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Press for Coinage, or any Cutting Engine for cutting by force of a Screw or of any other Contrivance,

trivance, round Blanks out of Gold, Silver, or other Metal or Mixture of Metals, or any other Machine, knowing such Press to be a Press for Coinage, or knowing such Engine or Machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such Coin as in this Section aforesaid, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Conveying Tools or Monies out of the Mint without Authority, Felony.

XXV. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly convey out of any of Her Majesty's Mints any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, Mould, Edger, Edging or other Tool, Collar, Instrument, Press, or Engine used or employed in or about the coining of Coin, or any useful Part of any of the several Matters aforesaid, or any Coin, Bullion, Metal, or Mixture of Metals, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Coin suspected to be diminished or counterfeit may be cut by any Person to whom it is tendered.

Who shall bear the Loss.

XXVI. Where any Coin shall be tendered as the Queen's current Gold or Silver Coin to any Person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such Person to cut, break, bend, or deface such Coin, and if any Coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and shall appear to be lawful Coin, the Person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the Rate it was coined for; and if any Dispute shall arise whether the Coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary Manner by any Justice of the Peace, who is hereby empowered to examine upon Oath as well the Parties as any other Person, in order to the Decision of such Dispute; and the Tellers at the Receipt of Her Majesty's Exchequer, and their Deputies and Clerks, and the Receivers General of every Branch of Her Majesty's Revenue, are hereby required to cut, break,

break, or deface, or cause to be cut, broken, or defaced every Piece of counterfeit or unlawfully diminished Gold or Silver Coin which shall be tendered to them in Payment of any Part of Her Majesty's Revenue.

Provision for the Discovery and Seizure of counterfeit Coin and Coining Tools, for securing them as Evidence, and for ultimately disposing of them.

XXVII. If any Person shall find or discover in any Place whatever, or in the Custody or Possession of any Person having the same without lawful Authority or Excuse, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Gold, Silver, or Copper Coin, or any Coin of any Foreign Prince, State, or Country, or any Instrument, Tool, or Engine whatsoever, adapted and intended for the counterfeiting of any such Coin, or any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current Gold or Silver Coin, it shall be lawful for the Person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some Justice of the Peace; and where it shall be proved, on the Oath of a credible Witness before any Justice of the Peace, that there is reasonable Cause to suspect that any Person has been concerned in counterfeiting the Queen's current Gold, Silver, or Copper Coin, or any such Foreign or other Coin as in this Act before mentioned, or has in his Custody or Possession any such false or counterfeit Coin, or any Instrument, Tool, or Engine whatsoever adapted and intended for the making or counterfeiting of any such Coin, or any other Machine used or intended to be used for making or counterfeiting any such Coin, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, it shall be lawful for any Justice of the Peace, by Warrant under his Hand, to cause any Place whatsoever belonging to or in the Occupation or under the Control of such suspected Person to be searched, either in the Day or in the Night, and if any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, shall be found in any Place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and whensoever any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution or otherwise as aforesaid, shall in any Case whatsoever be seized and carried before a Justice of the Peace, he shall, if necessary, cause the same to be secured, for the Purpose of being produced in Evidence against any Person who may be prosecuted for any Offence

Offence against this Act; and all such false and counterfeit Coin, and all Instruments, Tools, and Engines adapted and intended for the making or counterfeiting of Coin, and all such Machines, and all such Filings, Clippings, and Bullion, and all such Gold and Silver in Dust, Solution, or otherwise as aforesaid, after they shall have been produced in Evidence, or when they shall have been seized, and shall not be required to be produced in Evidence, shall forthwith be delivered up to the Officers of Her Majesty's Mint, or to the Solicitors of Her Majesty's Treasury, or to any Person authorized by them to receive the same.

Venue.

XXVIII. Where any Person shall tender, utter, or put off any false or counterfeit Coin in one County or Jurisdiction, and shall also tender, utter, or put off any other false or counterfeit Coin in any other County or Jurisdiction, either on the Day of such first mentioned tendering, uttering, or putting off, or within the Space of Ten Days next ensuing, or where Two or more Persons, acting in concert in different Counties or Jurisdictions, shall commit any Offence against this Act, every such Offender may be dealt with, indicted, tried, and punished, and the Offence laid and charged to have been committed, in any One of the said Counties or Jurisdictions, in the same Manner in all respects as if the Offence had been actually and wholly committed within such One County or Jurisdiction.

What shall be sufficient Proof of Coin being counterfeit.

XXIX. Where, upon the Trial of any Person charged with any Offence against this Act, it shall be necessary to prove that any Coin produced in Evidence against such Person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the Evidence of any Moneyer, or other Officer of Her Majesty's Mint, but it shall be sufficient to prove the same to be false or counterfeit by the Evidence of any other credible Witness.

Where the counterfeiting Coin shall be complete.

XXX. Every Offence of falsely making or counterfeiting any Coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit Coin, against the Provisions of this Act, shall be deemed to be complete, although the Coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit State to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Any Person may apprehend any Person committing any indictable

XXXI. It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence, or any high Crime and Offence, or Crime and Offence, against this Act, and to convey or deliver him to some Peace Officer, Constable, or Officer of Police, in order to his being

Offence against this Act.

being conveyed as soon as reasonably may be before a Justice of the Peace or some other proper Officer, to be dealt with according to Law.

No Certiorari, &c.

XXXII. No Conviction for any Offence punishable on summary Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Venue in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

XXXIII. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall, in *England* or *Ireland*, be laid and tried in the County where the Fact was committed, and shall, in *England*, *Ireland*, or *Scotland*, be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant or Defender One Month at least before the Commencement of the Action; and in any such Action brought in *England* or *Ireland* the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and in *Scotland* the Defender may insist on all relevant Defences; and no Plaintiff or Pursuer shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Defender; and if, in *England* or *Ireland*, a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, or if, in *Scotland*, the Verdict shall be for the Defender, or if the Pursuer shall abandon the Action, or the Court shall dismiss it as irrelevant or improperly laid, in every such Case the Defendant or Defender shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant or Defender has by Law in other Cases; and though a Verdict shall be given for the Plaintiff or Pursuer in any such Action, such Plaintiff or Pursuer shall not have Costs against the Defendant or Defender, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Tender of Amends, &c.

Trial of Offences in Scotland.

XXXIV. All high Crimes and Offences, and Crimes and Offences, against this Act, which may be committed in *Scotland*, shall be proceeded against and tried according to the Rules and Procedure of the Criminal Law of *Scotland*; and all Proceedings by this Act made competent before any Justice or Justices,

Justices, and all and every the Powers and Authorities by this Act given to or conferred upon any such Justice or Justices, shall, in *Scotland*, be competent before and may be exercised by any Sheriff, Magistrate, or Justice of the Peace.

Punishment of Principal in the Second Degree, and Accessories.

XXXV. In the Case of every Felony punishable under the Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Offences committed within the Jurisdiction of the Admiralty.

XXXVI. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if the same had been actually committed in that County or Place, and in any Indictment for any such Offence, or for being accessory to any such Offence, the Venue in the Margin shall be the same as if such Offence had been committed in such County or Place, and the Offence itself shall be averred to have been committed "on the High Seas;" and where any of the Crimes and Offences, or high Crimes and Offences, mentioned in this Act, shall be committed at Sea, and the Vessel in which the same shall be committed shall be registered in *Scotland*, or touch at any Part thereof, the Courts of Criminal Law of *Scotland* may inquire, try, and determine the same in the same Manner as if such Crime and Offence, or high Crime and Offence, had been committed in *Scotland;* provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

What shall be sufficient Evidence of Conviction for a previous Offence.

XXXVII. Where any Person shall have been convicted of any Offence against this Act, or any former Act relating to the Coin, and shall afterwards be indicted for any Offence against this Act committed subsequent to such Conviction, it shall be sufficient in any such Indictment, after charging such subsequent Offence, to state the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence, purporting to be signed by the Clerk of the Court or other Officer having or purporting to

to have the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the previous Conviction, without Proof of the Signature or official Character or Authority of the Person appearing to have signed the same, or of his Custody or Right to the Custody of the Records of the Court, and for every such Certificate a Fee of Six Shillings and Eightpence, and no more, shall be demanded or taken; and the Proceedings upon any Indictment for committing any Offence after a previous Conviction or Convictions shall be as follows; (that is to say,) the Offender shall, in the first instance, be arraigned upon so much only of the Indictment as charges the subsequent Offence, and if he plead Not Guilty, or if the Court order a Plea of Not Guilty to be entered on his Behalf, the Jury shall be charged, in the first instance, to inquire concerning such subsequent Offence only; and if they find him Guilty, or if on Arraignment he plead Guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the Indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of Malice, or will not answer directly to such Question, the Jury shall then be charged to inquire concerning such previous Conviction or Convictions, and in such Case it shall not be necessary to swear the Jury again, but the Oath already taken by them shall for all Purposes be deemed to extend to such last-mentioned Inquiry: Provided that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences, before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial.

Fine and Sureties for keeping the Peace; in what Cases.

XXXVIII. Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act, the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to any Punishment

ment by this Act authorized; provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Hard Labour.

XXXIX. Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement.

XL. Whenever Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93.

XLI. Every Offence hereby made punishable on summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

Except in London and the Metropolitan Police District.

Costs of Prosecutions.

XLII. In all Prosecutions for any Offence against this Act in *England*, which shall be conducted under the Direction of the Solicitors of Her Majesty's Treasury, the Court before which such Offence shall be prosecuted or tried shall allow the Expenses of the Prosecution in all respects as in Cases of Felony; and in all Prosecutions for any such Offence in *England* which shall not be so conducted it shall be lawful for such Court, in case a Conviction shall take place, but not otherwise, to allow the Expenses of the Prosecution in like Manner; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Commencement of Act.

XLIII. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

CAP. C.

An Act to consolidate and amend the Statute Law of England *and* Ireland *relating to Offences against the Person.*—[*6th* August 1861.]

CAP. CI.

An Act for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force.—[*6th* August 1861.]

WHEREAS with a view to the Revision of the Statute Law, and particularly to the Preparation of an Edition of the Statutes comprising only Enactments which are in force, it is expedient that divers Acts and Parts of Acts which have ceased to be in force otherwise than by express and specific Repeal should be expressly and specifically repealed:

And whereas the Acts mentioned in the Schedule to this Act have so ceased to be in force to the Extent specified in the Third Column of the said Schedule:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts or Parts of Acts specified in Third Column of Schedule repealed.

I. The Acts mentioned in the Schedule to this Act shall be repealed to the Extent specified in the Third Column of the said Schedule, except as to any Operation already effected by, or Act done under, any Enactment herein comprised, or as to any Right, Title, Obligation, or Liability already acquired or accrued under any such Enactment.

Short Title.

II. This Act may be cited as The Statute Law Revision Act, 1861.

SCHEDULE.

SCHEDULE.

Act.	Subject.	Extent of Repeal.
11 Geo. 3. c. 32.	Militia Pay	The whole.
„ c. 38.	Greenland and Whale Fishery	The whole.
„ c. 55.	Borough of New Shoreham Parliamentary Elections.	So much of sect. 5. as relates to the time for the proper officer proceeding to election.
12 Geo. 3. c. 29.	Spurn Point Lighthouses	The whole.
„ c. 30.	Salaries of Justices of Chester and Great Sessions in Wales.	The whole.
„ c. 46.	Prevention of Frauds in Excise Revenue, Tea, Soap, Low Wines and Spirits.	So much as relates to the manufacture of Low Wines and Spirits, and to Treble Costs.
„ c. 54.	Oak Timber for Navy, Restraint on East India Company.	The whole.
„ c. 55.	Trade between Great Britain and Ireland	The whole.
„ c. 58.	Encouragement of Herring Fishery, Isle of Man.	The whole.
„ c. 60.	Drawback on Tea exported, &c.	The whole.
„ c. 67.	Incorporation of the Marine Society	So much as relates to Stamp Duty, to Limitation of Actions for anything done in pursuance of the Act, to pleading of General Issue, and to Double Costs.
13 Geo. 3. c. 23.	Militia Pay	The whole.
„ c. 33.	Preservation of Timber Trees	The whole.
„ c. 44.	Drawback of Customs Duty on Exportation of Tea to America, &c.	The whole.
„ c. 51.	Discouragement of frivolous and vexatious Suits in the Courts at Westminster for Cause of Action arising in Wales.	The whole.
„ c. 56.	Retailing of Spirits, and Duties on Printed Calicoes, &c.	Sect. 5.
„ c. 58.	Providing of Clergymen for Gaols	The whole.
„ c. 62.	Regulation of the Assize and making of Bread.	The whole.
„ c. 67.	Importation of printed or painted Paper	The whole.
„ c. 72.	Free Importation of Cod, &c. caught in the Gulf of St Lawrence or on the Coast of Labrador.	The whole.
„ c. 73.	Importation and Exportation, Dominica and Jamaica.	The whole.
„ c. 74.	Tonnage of Vessels and Customs Duties	The whole.
„ c. 80.	Preservation of Game	The whole.

Act.	Subject.	Extent of Repeal.
13 Geo. 3. c. 81.	Improvement of Commons	So much as relates to Double Costs.
„ c. 82.	Regulation of Lying-in Hospitals, and Settlement of Bastard Children born in them.	So much as relates to Treble Costs.
14 Geo. 3. c. 10.	Exportation of Gum Senega	The whole.
„ c. 64.	Ascertaining of the Prices of Corn	The whole.
„ c. 65.	Forfeited Estates (Scotland) Management	The whole.
„ c. 70.	Gold Recoinage	The whole, except s. 7.
„ c. 72.	Duty on printed, &c. Stuffs manufactured in Great Britain.	The whole, except s. 2.
„ c. 73.	Distillation of Spirits, and Allowance to certain Manufacturers of the Duties on Soap.	The whole.
„ c. 74.	Reduction of Duties upon Importation of Great Raisins.	The whole.
„ c. 78.	Metropolitan Buildings Regulation, and Prevention of Mischiefs by Fire.	So much as relates to Time for Notice of Actions for anything done in pursuance of the Act, and to Treble Costs.
„ c. 79.	Removal of Doubts concerning the Validity of Mortgages, &c. executed in Great Britain of Land, &c. in Ireland and the Colonies.	The whole.
„ c. 81.	Election of Members of Parliament (Scotland).	The whole.
„ c. 92.	Regulation of Weights used in weighing Gold and Silver Coin.	So much as relates to Salary of Officer to be paid by Warden of Mint.
15 Geo. 3. c. 1.	Importation of Indian Corn and Maize	The whole.
„ c. 10.	Restraint of Commerce of Provinces of Massachuset's Bay, &c., and Colonies of Connecticut, &c.	The whole.
„ c. 18.	Restraint of Commerce of Colonies of New Jersey, &c.	The whole.
„ c. 27.	Admeasurement of Waggons, &c. used for loading Coals on board Ships.	So much as relates to Treble Costs.
„ c. 34.	Encouragement of Manufacture of Rape Oil.	The whole.
„ c. 36.	Issue of Speaker's Warrants for Writs for Election of Members in the Place of Members dying or becoming Peers during the Recess.	The whole.
„ c. 37.	Importation of painted Earthenware	The whole.
„ c. 53.	Copyright in Books given to the Universities, &c.	Sect. 6. and so much as relates to Plea of General Issue.
16 Geo. 3. c.	Prohibition of Trade and Intercourse with Colonies of New Hampshire, &c.	The whole.
„ c. 8.	Importation of salted Beef, &c. from Ireland.	The whole.
„ c. 37.	Exportation of Wheat, &c. to certain Colonies in America, &c.	The whole.

Act.	Subject.	Extent of Repeal.
1 6Geo. 3. c. 42.	Landing of Corn, &c. imported into Port of Preston.	The whole.
17 Geo. 3. c. 7.	Granting of Commissions to Privateers to make Prize of Ships, &c.	The whole.
„ c. 8.	East India Company, Election of Directors.	The whole.
„ c. 11.	Prevention of Frauds and Abuses by Wool Combers, &c. in Yorkshire, Lancashire, and Cheshire.	Sects. 17, 18, 19. and so much as relates to Limitation of Actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs.
„ c. 26.	Registering of Grants of Life Annuities.	The whole.
„ c. 27.	Allowance of Drawback of Duties of Customs on Exportation of Tea to Ireland.	The whole.
„ c. 33.	Power to Master Dyers in Middlesex, Essex, Surrey, and Kent to employ Journeymen who have not served Apprenticeships.	The whole.
„ c. 39.	Duties on Servants and on Glass, and on Persons having certain Quantities of Silver Plate.	The whole.
„ c. 40.	Carrying of certain Captures into His Majesty's Dominions in North America.	The whole.
„ c. 50.	Duties on Auctioneers Licences, Sales by Auction, and Instruments.	The whole, except s. 24.
„ c. 56.	Prevention of Frauds by Persons employed in the Manufacture of Hats, &c.	Sect. 18. and so much as relates to Treble Costs.
„ c. 57.	Copyright of Engravings - - -	So much as relates to Double Costs.
18 Geo. 3. c. 14.	Militia Pay and Supply of Vacancies in Militia.	The whole.
„ c. 16.	Exportation of Wheat Flour, &c. to Newfoundland, &c.	The whole.
„ c. 18.	Forgery of Acceptances of Bills, &c. with Intent to defraud Corporations.	The whole.
„ c. 24.	Importation of Tobacco - - - -	The whole.
„ c. 25.	Importation of Corn into certain Ports	The whole.
„ c. 40.	Customs - - - - - -	The whole.
„ c. 55.	Exportation from Ireland to America, and Encouragement of the Fisheries, &c. of Ireland.	The whole.
„ c. 56.	Importation of Cotton Yarn the Manufacture of Ireland Duty-free.	The whole.
„ c. 59.	Militia and Fencibles - - -	The whole.
19 Geo. 3. c. 21.	Licensing and regulating of Lottery office Keepers.	The whole.
„ c. 25.	Additional Duties upon the Produce of Customs and Excise Duties.	The whole.
„ c. 29.	Landing of Corn, &c. in the Isle of Wight without payment of Duties.	The whole.
„ c. 40.	Duties on Starch - - - - -	The whole.
„ c. 41.	Drawback of Wine Duties on Exportation to certain Parts.	The whole.

Act.	Subject.	Extent of Repeal.
19 Geo. 3. c. 48.	Encouragement of Shipping and Navigation.	The whole.
„ c. 50.	Prevention of Frauds by private Distillers.	The whole.
„ c. 51.	Duties on Horses, &c.	The whole.
„ c. 52.	Duty on Pilchards	The whole.
„ c. 53.	Duties on Exportation of certain Cotton Wool, Discontinuance.	The whole.
„ c. 56.	Duties on Auctioneers Licences and on Sales by Auction.	The whole.
„ c. 65.	Augmentation of the Salaries of the Puisne Justices of the King's Bench and Common Pleas, and Barons of the Exchequer at Westminister.	The whole.
„ c. 66.	Stamp Duties	The whole.
„ c. 69.	Prevention of Smuggling, &c.	The whole.
„ c. 72.	Militia and Fencibles	The whole.
„ c. 76.	Augmentation of the Militia	The whole.
20 Geo. 3. c. 8.	Militia—Delivery of Certificates of Qualification to Clerks of the Peace.	The whole.
„ c. 30.	Additional Duties upon Wines and Vinegar imported	The whole.
„ c. 34.	Additional Duties on Salt	The whole.
„ c. 35.	Additional Duties on Malt and upon Spirits, &c.	The whole.
„ c. 44.	Militia	The whole.
„ c. 51.	Duties on Licences to let Horses for Hire	The whole.
„ c. 52.	Additional Duties on Starch and Hair Powder imported, and on Starch and Sweets made in Great Britain.	The whole.
„ c. 60.	Fisheries in the Greenland Seas and Davis's Straits.	The whole.
21 Geo. 3. c. 7.	Augmentation of the Militia	The whole.
„ c. 17.	Additional Duty on the Produce of the Excise Duties.	The whole.
„ c. 32.	Encouragement of the Manufacture of Verdigris.	The whole.
„ c. 34.	Admeasurement of Coals, Westminster, &c.	The whole.
„ c. 51.	Registration by Papists of their Names and Real Estates.	The whole.
„ c. 56.	Duty on Almanacks	The whole.
„ c. 60.	Agreement with Bank of England for advancing Two Millions.	The whole.
„ c. 68.	Punishment of Stealers of Copper, Brass, &c. fixed to Houses.	The whole.
„ c. 69.	Punishment of Receivers of Stolen Pewter.	The whole.
22 Geo. 3. c. 21.	Customs Duties	The whole.
„ c. 28.	Additional Duty upon Tobacco and Snuff, and Duties upon Importation of Brandy and Arrack.	The whole.
„ c. 31.	Borough of Cricklade, Parliamentary Elections.	So much of s. 5. as relates to the Time for the proper Officer proceeding to Election.
„ c. 33.	Stamp Duty upon Bills and Notes	The whole.

Act.	Subject.	Extent of Repeal.
22 Geo. 3. c. 39.	Duties on Salt	The whole.
„ c. 49.	Rectifying of a mistake in an Act of this Session.	The whole.
„ c. 58.	Discovery and Punishment of Buyers and Receivers of Stolen Goods.	The whole.
„ c. 61.	Duty upon Bees Wax imported	The whole.
„ c. 62.	Militia	The whole.
„ c. 64.	Houses of Correction	The whole.
„ c. 66.	Additional Duties of Customs and Excise	The whole.
„ c. 68.	Duties on Beer and Coaches, &c.	The whole.
23 Geo. 3. c. 11.	Customs, &c. Regulations	The whole.
„ c. 49.	Duties on Bills of Exchange, &c.	The whole.
„ c. 56.	Allowance of Drawback of Customs on Exportation of Rice.	The whole.
„ c. 58.	Stamp Duties	The whole.
„ c. 62.	Stamp Duty on Licences for vending Medicines, &c.	The whole.
„ c. 63.	Duty on Stage Coaches, &c.	The whole.
„ c. 65.	African Company	The whole.
„ c. 75.	Duties on Smalts and Tobacco	The whole.
„ c. 76.	Prevention of Frauds in Landing of Wines, &c.	The whole.
„ c. 77.	Encouragement of Manufacture of Flax and Cotton.	The whole.
„ c. 79.	Encouragement of Growth of Coffee and Cocoa Nuts.	The whole.
„ c. 82.	Regulation of the Receipt of the Exchequer.	The whole.
„ c. 84.	East India Company—Allowance of further Time for Payment of their Debt to the Public.	The whole.
„ c. 88.	Rogues and Vagabonds	The whole.
24 Geo. 3. Sess. 1. c. 7.	Duties on Bills of Exchange, &c.	The whole.
„ c. 12.	Removal of Prisoners and Transportation	The whole.
„ c. 13.	Militia Pay, &c.	The whole.
24 Geo. 3. Sess. 2. c. 3.	Prevention of Frauds and Abuses by Persons employed in Woolcombing, &c., Suffolk.	Sects. 19, 20, 21, and so much as relates to limitation of actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs.
„ c. 11.	Additional Duties upon Candles	The whole.
„ c. 16.	Customs, &c., Duties	The whole, except so much as relates to the Duties payable to the Corporation of London.
„ c. 30.	Additional Duty upon Licences for retailing Beer, &c.	The whole.
„ c. 34.	East India Company	The whole.
„ c. 36.	Duties on Wax Candles	The whole.
„ c. 38.	Duties on Tea, Inhabited Houses, and Cocoa Nuts and Coffee	The whole.
„ c. 40.	Duties on Linens, printed, painted, stained, or dyed in Great Britain, &c.	The whole.

Act.	Subject.	Extent of Repeal.
24 Geo. 3. Sess. 2. c. 41.	Duties on Licences to be taken out by the Makers of and Dealers in certain excise-able Commodities.	The whole.
„ c. 43.	Duties on Certificates for killing Game -	The whole.
„ c. 46.	Duties on Spirits, - - - -	The whole.
„ c. 48.	Duties on Starch and Soap - -	The whole.
„ c. 49.	Duties upon Silk imported, and Draw-backs upon Exportation of Silk Manu-factures.	The whole.
„ c. 51.	Duty on Licenses for vending Hats, &c. -	The whole.
„ c. 53.	Duties on Gold and Silver Plate imported, and on Gold and Silver wrought Plate made in Great Britain.	Custom Duties and Stamp Duties grant-ed by.
„ c. 54.	Gaols - - - - - -	The whole.
„ c. 55.	Houses of Correction - - -	The whole.
25 Geo. 3. c. 22. -	Distillation of Spirits in Small Stills in certain Counties in the Highlands.	Duty granted by.
„ c. 40. -	Prevention of Frauds by Woolcombers, &c. in certain Counties.	Sects. 21, 22, 23, and so much as relates to limitation of actions for anything done in pursuance of the Act, as to pleading of general issue, and as to treble costs.
„ c. 46. -	Transportation, &c. - -	The whole.
„ c. 48. -	Duties on Pawnbrokers Licences -	Duties granted by.
„ c. 49. -	Duties on Coachmakers Licences, and on Carriages built for Sale.	The whole.
„ c. 50. -	Duties on Certificates for killing Game. -	The whole.
„ c. 58. -	Encouragement of the Pilchard Fishery. -	The whole.
„ c. 63. -	Salt Duties. - - - -	The whole.
„ c. 65. -	Encouragement of the Fisheries. -	The whole.
„ c. 69. -	Duties upon Oil Flasks, &c. - -	The whole.
„ c. 72. -	Duties on Linens printed, &c. in Great Britain, &c.	The whole.
„ c. 73. -	Allowance to Brewers for waste - -	The whole.
„ c. 74. -	Duties on Tea—Exportation of Exciseable Commodities, &c.	Duties granted by, and Sects. 16-21. and 25-31.
„ c. 80. -	Duties on Attorneys Certificates, &c. -	Duties granted by.
26 Geo. 3. c. 25. -	Appointment of Governor General and Council of Fort William in Bengal. -	The whole.
„ c. 36. -	Salt Duties—Importation and Exportation, Isle of Man.	The whole.
„ c. 38. -	Imprisonment under Process of Small Debt Courts, &c.	The whole, except Sects. 7 and 8.
„ c. 40. -	Production of Manifests, &c. - -	The whole, except ss. 18 and 19.
„ c. 41. -	Fisheries in the Greenland Seas, and Davis's Straits.	The whole.
„ c. 42. -	Additional Duty upon Battens and Deals imported.	The whole.
„ c. 46. -	Salaries of Judges (Scotland) - -	The whole.
„ c. 48. -	Stamp Duties (Scotland) - -	Duties granted by.
„ c. 49. -	Stamp Duties on Perfumery - -	The whole.
„ c. 51. -	Duties on Starch - - -	The whole.

Act.	Subject.	Extent of Repeal.
26 Geo. 3. c. 59.	Duties on Wine	Duties granted by.
,, c. 64.	Duties on Spirits (Scotland)	Duties granted by.
,, c. 73.	Duties on Spirits	Duties granted by.
,, c. 74.	Additional Duties on Sweets, &c.	Excise duty granted by.
,, c. 77.	Excise Duties	Sects. 5, 6, 7, 9.
,, c. 82.	Stamp Duties, and Duties on Policies of Fire for Insurance as to Property abroad.	Sect. 7.
,, c. 90.	Salt Duties; making of Mineral Alkali or Flux for Glass.	The whole.
,, c. 91.	Regulation of Madhouses	The whole.
,, c. 99.	Ascertaining of Fees to be taken by Officers of the Exchequer.	The whole.
27 Geo. 3. c. 19.	Shipping and Navigation	The whole.
,, c. 27.	Importation and Exportation, West Indies	The whole.
,, c. 29.	Objections to Competency of Witnesses	The whole.
,, c. 30.	Additional Duties on Licences for the retailing of Spirituous Liquors.	The whole.
,, c. 31.	Allowances to Dealers in Foreign Wines for certain Wines in Stock—Amendment of Excise Laws.	The whole, except sect. 25.
,, c. 43.	County Palatine of Chester—Swearing of Affidavits, &c.	The whole.
28 Geo. 3. c. 27.	Reduction of Duties on Importation of Goods from the United Provinces.	The whole.
,, c. 28.	Exemption of Stipendiary Curates Licences from Stamp Duties.	The whole.
,, c. 33.	Alteration of Duties and Drawbacks on certain Wine, &c.	The whole.
,, c. 34.	Quarantine and Customs	The whole.
,, c. 37.	Certain Duties of Excise and Customs	The whole, except s. 15.
,, c. 38.	Exportation of Sheep, &c.	The whole.
,, c. 49.	Power for Justices to act out of the Counties in which they are.	The whole.
,, c. 53.	Indemnifying Persons against certain Penalties incurred in the Coal Trade, and preventing Combinations in the Coal Trade.	The whole.
29 Geo. 3. c. 26.	Duty on Hawkers, &c.	The whole.
,, c. 49.	Duties on Horses and Carriages	The whole.
,, c. 50.	Additional Duties on Newspapers, Advertisements, Cards, and Dice.	The whole.
,, c. 51.	Additional Stamp Duties on Probate of Wills, &c.	Duties granted by.
,, c. 53.	Encouragement of the Newfoundland, Greenland, and Southern Whale Fisheries.	The whole.
,, c. 59.	Drawback on Exportation of Teas to Guernsey, &c.	The whole.
,, c. 63.	Exemption of Piece Goods woven in this Kingdom from Auction Duty. Licences for selling Spirituous Liquors, &c.	Sects. 1, 2, 3, 4.
,, c. 67.	Regulation of Gaols	The whole.
30 Geo. 3. c. 4.	Exemption of unwrought Tin, exported to certain Parts, from Customs Duty.	The whole.
,, c. 26.	Exemption of Goods imported from Yucatan from Auction Duty, &c.	The whole.

Act.	Subject.	Extent of Repeal.
30 Geo. 3. c. 27.	Encouragement of new Settlers in the Colonies of America.	The whole.
„ c. 28.	Duty on Cashew Gum imported from the West Indies.	The whole.
„ c. 37.	Duties on Spirits (Scotland)	Duty granted by.
„ c. 38.	Duties on Licences for retailing Wine, &c.	Duty granted by.
„ c. 41.	Importations from North America of Rape Seed, &c.	The whole.
31 Geo. 3. c. 1.	Duties on Worts and Spirits, &c.	The whole.
„ c. 5.	Additional Duties on Amount of Assessed Taxes.	The whole.
„ c. 15.	Duty on Sugar imported	The whole.
„ c. 21.	Duty on Certificates for killing Hares	The whole.
„ c. 25.	Duties on Bills of Exchange, &c.	Duties granted by.
„ c. 26.	Importation of Seal Skins	The whole.
„ c. 27.	Duties on Tanned Goat Skins, &c.	The whole.
„ c. 37.	Importation of Silk Crapes, &c. of the Manufacture of Italy.	The whole.
„ c. 42.	Indemnity in respect of a certain Order in Council. Duties on Importation of Salt Petre.	The whole.
„ c. 43.	Continuance of several Laws, &c.	The whole.
„ c. 46.	Regulation of Gaols	The whole.
„ c. 47.	Importation and Exportation of Tobacco and Snuff.	The whole.
„ c. 51.	Protection of the Oyster Fisheries	The whole.
„ c. 55.	Establishment of the Sierra Leone Company.	The whole.
„ c. 56.	Prevention of Frauds and Abuses by Wool Combers, &c. in Norfolk.	Sects. 22, 23, 24, and so much as relates to Limitation of Actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs.
32 Geo. 3. c. 9.	Exportation of Tea to Ireland or America	The whole.
„ c. 10.	Execution of Warrants for Apprehension of Persons convicted of Offences against Excise Laws.	The whole.
„ c. 11.	Sales by Auction	The whole.
„ c. 12.	Grant towards Reduction of National Debt	The whole.
„ c. 22.	Encouragement of Fisheries in Greenland Seas and Davis's Straits.	The whole.
„ c. 37.	Importation and Exportation at certain Ports.	The whole.
„ c. 41.	Auction Duty	The whole.
„ c. 45.	Rogues and Vagabonds	The whole.
„ c. 48.	Sessions of the Peace and of Oyer and Terminer for Middlesex.	The whole.
„ c. 49.	Importation of Quercitron, &c.	The whole.
„ c. 51.	Exemption of Letters between Merchants from Stamp Duty.	The whole.
„ c. 54.	Duties on Foreign printed, &c. Papers	The whole.
„ c. 55.	Reduction of National Debt	The whole.
„ c. 65.	Trade into Levant Seas	The whole.
33 Geo. 3. c. 5.	Relief of Debtors from Imprisonment	The whole.

Act.	Subject.	Extent of Repeal.
33 Geo. 3. c. 22.	Grant towards Reduction of National Debt	The whole.
„ c. 23.	Quality of Table Beer	The whole.
„ c. 28.	Loan on Annuities, Excise Duties, &c.	So much as relates to Excise Duties, Assessed Taxes, Consolidated Fund, and Treble Costs.
„ c. 29.	Exchequer Bills for Loans	The whole.
„ c. 30.	Prevention of Forgeries and Frauds in Transfer of Funds transferable at the Bank of England.	The whole.
„ c. 33.	Making of Salt	The whole.
„ c. 57.	Regulation of Warehoused Tobacco	The whole.
„ c. 58.	Premiums to Ships carrying on Southern Whale Fishery.	The whole.
„ c. 61.	Distilleries (Scotland)	Duties granted by.
„ c. 63.	Importation into Great Britain of certain Goods imported into Ireland.	The whole.
„ c. 68.	Judgments of Courts of Great Sessions, &c. of Wales, Cheshire, Lancaster, and Durham, and County Courts in Wales.	So much as relates to Court of Great Sessions in Wales.
„ c. 69.	Duties on Coal, Licences for Sale of Spirits, &c. (Scotland).	Duties granted by.
34 Geo. 3. c. 2.	Additional Duties upon Worts, Wash, &c. in England, and upon Spirits in Scotland.	The whole.
„ c. 3.	Additional Duties on Spirits imported	The whole.
„ c. 4.	Duties on Spirits and Sugar imported	The whole.
„ c. 14.	Stamp Duties on Indentures of Clerkship to Solicitors and Attornies.	Duties granted by.
„ c. 21.	Annuities and Payment of Navy and Victualling Bills.	Sect. 18.
„ c. 33.	Duties of Excise	The whole.
„ c. 42.	Grant to Foreign Ships put under His Majesty's Protection of the Privileges of Prize Ships, &c.	The whole.
„ c. 45.	Establishment of a Court of Criminal Jurisdiction in Norfolk Island.	The whole.
„ c. 48.	Grant towards Reduction of National Debt	The whole.
„ c. 63.	Allowing of the Exercise of an Invention of a new Method of tanning Hides and Skins.	The whole.
„ c. 75.	Management of Land Revenues of Crown	The whole.
35 Geo. 3. c. 10.	Additional Duties of Excise on Foreign Wine and Sweets.	The whole.
„ c. 11.	Additional Duties of Excise on Worts, Wash, &c. for Spirits, and Use of Wheat in making Wash.	The whole.
„ c. 12.	Additional Duties of Excise on Foreign Spirits.	The whole.
„ c. 13.	Additional Duties of Excise on Tea, Coffee, and Cocoa Nuts.	The whole.
„ c. 20.	Duties of Customs	The whole.
„ c. 23.	Grant towards the Reduction of the National Debt.	The whole.
„ c. 30.	Stamp Duties	The whole.
„ c. 31.	Prevention of Smuggling	The whole.
„ c. 38.	Continuance of various Laws	The whole.

Act.	Subject.	Extent of Repeal.
35 Geo. 3. c. 49.	Duty on Hair Powder Certificates	The whole.
„ c. 59.	Duties on Scotch Distilleries, &c.	The whole.
„ c. 89.	Duties on Spirits	The whole.
„ c. 91.	Regulation of Hawkers and Pedlars	The whole.
„ c. 93.	Guarantee of Dividends on Loan to Emperor of Germany.	The whole.
„ c. 96.	Relief of Persons detained in Gaol for Want of Bail in certain Cases relating to the Revenue.	The whole.
„ c. 97.	Duties of Excise on tanned Hides and Skins.	The whole.
„ c. 109.	Carriage Duties	The whole.
„ c. 110.	Drawback on Exportation of Sugar	The whole.
„ c. 117.	Importation of Rape and other Seeds	The whole.
„ c. 118.	Warehousing of Wines, &c.	The whole.
36 Geo. 3. c. 13.	Additional Excise Duties on Tobacco and Snuff.	The whole.
„ c. 14.	Additional Duties on Amount of Duties under Commissioners of Taxes.	The whole.
„ c. 18.	Drawbacks and Bounties on Exportation of Sugar.	The whole.
„ c. 19.	Duties on Salt	The whole.
„ c. 22.	Making of Bread	The whole.
„ c. 53.	Exportation of Rock Salt	The whole.
„ c. 55.	Making of Port of Scarborough (Island of Tobago) a free Port.	The whole.
„ c. 78.	Duty on Mahogany imported	The whole.
„ c. 79.	Duty on Black Lead imported	The whole.
„ c. 105.	Grant towards Reduction of the National Debt.	The whole.
„ c. 113.	Importation of Arrowroot, &c.	The whole.
„ c. 123.	Additional Duties on Foreign Wines and British Sweets.	The whole.
„ c. 125.	Duty on Hats	The whole.
37 Geo. 3. c. 14.	Excise Duties on various Matters	The whole.
„ c. 15.	Duties of Customs	The whole.
„ c. 16.	Additional Stage Coach Duties	The whole.
„ c. 17.	Additional Duties on Distilleries (Scotland), &c.	The whole.
„ c. 18.	Postage	The whole.
„ c. 26.	More speedy Payment of Navy, Victualling, and Transport Bills.	The whole.
„ c. 28.	Issue of Bank of England Notes under 5*l.*	The whole.
„ c. 59.	Loan to the Emperor of Germany	The whole.
„ c. 63.	Grant to Foreign Ships put under His Majesty's Protection of the Privileges of Prize Ships, &c.	The whole.
„ c. 69.	Additional Duties on Amount of certain Duties under the Management of Commissioners of Taxes.	The whole.
„ c. 77.	Making of Port of San Josef in Trinidad a free Port.	The whole.
„ c. 102.	Scotch Distilleries	The whole.
„ c. 105.	Additional Duties on Inhabited Houses	The whole.
„ c. 108.	Duties on Clocks and Watches	The whole.
„ c. 110.	Customs Duties	The whole.

Act.	Subject.	Extent of Repeal.
37 Geo. 3. c. 111.	Additional Stamp Duty on Deeds	The whole.
„ c. 115.	Grant towards Reduction of National Debt.	The whole.
„ c. 118.	Height between Decks of Vessels carrying Slaves.	The whole.
„ c. 121.	Encouragement of the Southern Whale Fisheries.	The whole.
„ c. 124.	Frauds by Bankrupts Prevention	The whole.
„ c. 141.	Sending and receiving of Letters free of Postage by Deputy Clerk of House of Commons.	The whole.
38 Geo. 3. c. 13.	Augmentation of 60th Regiment by Enlistment of Foreigners, &c.	The whole.
„ c. 16.	Grant of an Aid and Contribution for the Prosecution of the War.	The whole.
„ c. 39.	Importation and Exportation, West Indies.	The whole.
„ c. 42.	Excise Duty on Tea, &c.	The whole.
„ c. 43.	Additional Duties on Salt	The whole.
„ c. 45.	Purchase of Debts due to the Governments of Switzerland, &c.	The whole.
„ c. 47.	Grant for Reduction of National Debt	The whole.
„ c. 50.	Aliens	The whole.
„ c. 53.	Duties on Certificates issued with respect to Armorial Bearings or Ensigns.	The whole.
„ c. 54.	Laws of Excise Amendment	The whole.
„ c. 62.	Assize of Bread	The whole.
„ c. 71.	Copyright of Models, &c.	The whole.
„ c. 81.	Aid and Contribution for Prosecution of the War.	The whole.
„ c. 85.	Stamp Duties	The whole, except Sections 4 and 5.
„ c. 89.	Salt Duties	The whole.
„ c. 92.	Scotch Distilleries	The whole.
39 Geo. 3. c. 13.	Duties on Income	The whole.
„ c. 22.	Duties on Income	The whole.
„ c. 38.	Continuance of various Acts relating to Importation, &c.	The whole.
„ c. 42.	Duties on Income	The whole.
„ c. 45.	Making perpetual of Enactment altering Punishment of Burning in the Hand.	The whole.
„ c. 63.	Duties on Sugar and Coffee	The whole.
„ c. 64.	Grant for Reduction of National Debt	The whole.
„ c. 65.	Bounty on Pilchards exported and Salt Duties.	The whole.
„ c. 72.	Duties on Income	The whole.
„ c. 75.	Prohibition of Exportation of Light Silver Coin of the Realm, &c.	The whole.
„ c. 77.	Salt Duties	The whole.
„ c. 78.	Duties on Distilleries (Scotland)	The whole.
„ c. 80.	Carrying of Slaves from Africa	The whole.
„ c. 83.	Transfer to Commissioners for auditing Public Accounts of Duties of Auditors of Land Revenue.	The whole.
„ c. 85.	Embezzlement	The whole.
„ c. 94.	Salary of Master and Worker of the Mint.	The whole, except s. 5.

Act.	Subject.	Extent of Repeal.
39 Geo. 3. c. 99.	Trade to the Levant Seas, and Reduction of certain Export Duty.	The whole.
„ c. 104.	Augmentation of the 60th Regiment by Enlistment of Foreigners.	The whole.
„ c. 107.	Stamp Duties on Bills of Exchange and Promissory Notes.	Duties imposed, and s. 25.
39 & 40 Geo. 3. c. 11.	Appropriation of certain Duties	The whole.
„ c. 23.	Duties of Excise on Spirits and Tea	The whole.
„ c. 26.	Grant towards Reduction of National Debt	The whole.
„ c. 32.	Exemptions from Duties on Hair Powder, and Horses of Officers in the Navy, and Persons in Volunteer Cavalry Corps.	The whole.
„ c. 44.	Allowances to Adjutants, &c. of Militia (England).	The whole.
„ c. 45.	Perpetuation of an Act relating to Duties on Glass, and Continuance of various Acts.	The whole.
„ c. 49.	Duties on Income	The whole.
„ c. 55.	Salaries of Scotch Judges	The whole.
„ c. 60.	Duties on Wine, &c. imported from the Cape of Good Hope.	The whole.
„ c. 72.	Amendment of Law relating to Stamp Duties.	Sects. 3, 4, 5, 9, 11, 12, and 19.
„ c. 73.	Duties on Distillation (Scotland)	The whole.
„ c. 74.	Price and Assize of Bread	The whole.
„ c. 95.	Indemnity to Printers of Public Documents against certain Penalties.	The whole.
„ c. 96.	Duties on Income	The whole.
41 Geo. 3. (G.B.) c. 21.	Use of Salt, Duty free, in preserving Fish; Protection from Impressment; and Discontinuance of Bounty on White Herrings.	The whole.
„ c. 22.	Appointment of Commissioners for Examination of Accounts of Expenditure in the West Indies during present War.	The whole.
„ c. 23.	Making of the Port of Amsterdam, in the Island of Curaçao, a Free Port.	The whole.
„ c. 25.	Importation of undressed Hemp from Countries within the Limits of the exclusive Trade of the East India Company, free of Duty.	The whole.
„ c. 30.	Amendment of Act for erecting a Lazaret at Chetney Hill, and reducing into One Act the Laws relating to Quarantine, &c.	The whole.
41 Geo. 3. (U.K.) c. 10.	Additional Stamp Duties on Bills, &c. and Deeds.	The whole.
„ c. 28.	Certain Customs' Duties	The whole.
„ c. 29.	Additional Duty on English Spirits imported into Scotland, &c.	The whole.
„ c. 33.	Duties on Tea, Sugar, and Coals (Ireland)	The whole.
„ c. 42.	Sale of Elephant Oil free of Auction Duty (Great Britain).	The whole.
„ c. 48.	Licences for Sale of Wine, Ale, &c. (Ireland).	The whole.
„ c. 62.	Exemption of Irish Members of Parliament, &c. from Payment of certain Duties.	The whole.

Act.	Subject.	Extent of Repeal.
41 Geo. 3. (U.K.) c. 65.	Grant towards Redemption of National Debt.	The whole.
,, c. 68.	Duties and Drawbacks on Copper - -	The whole.
,, c. 74.	Drawbacks on Sugar, &c. (Ireland) -	The whole.
,, c. 80.	Indemnity to Printers of Public Documents against certain Penalties.	The whole.
,, c. 86.	Additional Stamp Duties on Cards, Dice, Probates of Wills, Deeds, Ale Licences, &c. (Great Britain).	The whole, except s. 3.
,, c. 87.	Duties of Customs on Playing Gards (Great Britain).	The whole.
,, c. 89.	Duty on Importation of Statues - -	The whole.
,, c. 91.	Regulation, &c. of certain Excise Duties -	The whole.
,, c. 98.	Militia Pay (Ireland) - - -	The whole.
42 Geo. 3. c. 14. -	Manufacture of Starch from Potatoes, &c. -	The whole.
,, c. 20. -	Duties on Rum for Ships' Stores; Exportation and Importation, &c.	The whole.
,, c. 24. -	Duties on Cinnamon, Cassia Lignea, &c. -	The whole.
,, c. 34. -	Additional Duties on Windows and on Inhabited Houses (Great Britain).	The whole.
,, c. 37. -	Additional Duties on Servants, Carriages, Horses, Mules, and Dogs (Great Britain).	The whole.
,, c. 38. -	Additional Duties on Beer, Ale, Malt, and Hops (Great Britain); on Spirits (Ireland), &c.	The whole.
,, c. 43. -	Duties of Customs and Tonnage (Great Britain).	The whole.
,, c. 47. -	Duties on Sugar and Coffee exported, &c. (Great Britain).	The whole.
,, c. 56. -	Stamp Duties - - - -	Duties imposed.
,, c. 61. -	Encouragement of Irish Mariners, &c. -	The whole.
,, c. 66. -	Yeomanry and Volunteers - -	The whole.
,, c. 70. -	Public Accounts - - - -	The whole.
,, c. 71. -	Reduction of the National Debt - -	The whole.
,, c. 77. -	Pacific Ocean Fisheries - - -	The whole.
,, c. 93. -	Duties of Excise on Wines, Home made Spirits, &c.	The whole.
,, c. 103. -	Repeal, &c. of certain Duties (Ireland) -	The whole.
,, c. 112. -	Grant towards the Redemption of National Debt.	The whole.
,, c. 117. -	Additional Import and Export Duties (Ireland).	The whole.
43 Geo. 3. c. 2. -	Enrolment of Militia (Ireland) - -	The whole.
,, c. 7. -	Payment of Navy, Victualling, and Transport Bills.	The whole.
,, c. 19. -	Militia, Extension of Period of Training and Exercise (Great Britain).	The whole.
,, c. 33. -	Enrolment of Militia (Ireland) - -	The whole.
,, c. 48. -	East India Company Volunteer Corps -	The whole.
,, c. 69. -	Excise Duties (Great Britain) - -	The whole.
,, c. 90. -	Enlargement of the Limits of the Southern Whale Fishery.	The whole.
,, c. 92. -	Import and Export Duties, &c. (Ireland) -	The whole.
,, c. 98. -	Collection of Revenue upon Malt; Regulation of Distilling Trade (Ireland).	The whole.
,, c. 113. -	Wilful casting away of Vessels, &c. -	The whole.
,, c. 118. -	Discovery of Longitude at Sea, &c. -	The whole.

Act.	Subject.	Extent of Repeal.
43 Geo. 3. c. 124.	Additional Military Force, and Militia; Exemptions from (Scotland).	The whole.
„ c. 130.	Duties on Auctioneers, &c.	The whole.
„ c. 131.	Additional Customs Duty on Lignum Quassia (Great Britain).	The whole.
„ c. 152.	Pilots of Dover, Deal, and Isle of Thanet	The whole.
„ c. 158.	Grant for building Glebe Houses (Ireland)	The whole.
44 Geo. 3. c. 18.	Volunteers and Yeomanry (Great Britain)	The whole.
„ c. 33.	Augmentation of Militia (Ireland)	The whole.
„ c. 44.	Newfoundland Trade, Exemption of Vessels from Passenger Act.	The whole.
„ c. 49.	Additional Duties on Wine imported (Great Britain).	The whole.
„ c. 58.	Laying of certain Public Accounts before Parliament (Ireland).	The whole.
„ c. 71.	Counterfeit Dollars and Tokens (England and Ireland).	The whole.
„ c. 102.	Habeas Corpus ad Testificandum (England and Ireland).	Sect. 2.
45 Geo. 3. c. 14.	Additional Salt Duties (Great Britain)	The whole.
„ c. 29.	Additional Customs Duties (Great Britain)	The whole.
„ c. 30.	Additional Duties of Excise (Great Britain)	The whole.
„ c. 42.	Counterfeiting of Bank of Ireland Silver Tokens, &c.	The whole.
„ c. 44.	Duty on Slates brought Coastwise within Great Britain.	The whole.
„ c. 45.	Additional Duties on Wine imported, and Drawbacks to Naval Officers.	The whole.
„ c. 53.	Collection of Malt Duties and Regulation of the Trade of Maltsters (Ireland).	The whole.
„ c. 67.	Additional Duties on Spanish Red Wine (Great Britain).	The whole.
„ c. 75.	Appointments to certain Offices in the Court of Chancery made during Vacancy of the Office of Register, &c.	The whole.
„ c. 88.	Duties on Cochineal Dust and Granilla	The whole.
„ c. 91.	Appointment of additional Commissioners for auditing Public Accounts.	The whole.
„ c. 93.	Drawbacks and Bounties on Sugar exported from Great Britain.	The whole.
„ c. 98.	Increase of Drawback on Linens exported from Great Britain to West Indies.	The whole.
„ c. 100.	Distillation of Spirits in England for Exportation to Scotland, and vice versâ, &c.	The whole.
„ c. 103.	Additional Duties on Importation of Straw Platting, Hats, and Bonnets.	The whole.
„ c 123.	Grant of Annuity to Duke of Atholl and Heirs general of Seventh Earl of Derby.	The whole.
46 Geo. 3. c. 11.	Exportation of Corn, &c. for the Use of His Majesty's Forces and Garrisons.	The whole.
„ c. 35.	Exemption from Stamp Duties of Notes, &c. of the Bank of Ireland.	The whole.
„ c. 38.	Customs and Excise Duties upon Tea	The whole.
„ c. 44.	Certain Wine Duties carried to the Consolidated Fund	The whole.
„ c. 45.	Office of Treasurer of the Ordnance.	The whole.

Act.	Subject.	Extent of Repeal.
46 Geo. 3. c. 52.	Slave Trade	The whole.
„ c. 64.	Stamp Duties (Ireland)	The whole.
„ c. 75.	Office of Receiver General of Excise Duties (England).	The whole.
„ c. 78.	Increase in Amount of Assessed Taxes (Great Britain).	The whole.
„ c. 87.	Consolidation and Amendment of Laws relating to Collection of Customs Duties, and Payment of Drawbacks (Ireland).	The whole.
„ c. 97.	Free Interchange of Grain between Great Britain and Ireland.	The whole.
„ c. 102.	Duties on Stills and Spirits, &c. (Scotland).	The whole.
„ c. 109.	Bounty on refined Sugar, &c. (Great Britain).	The whole.
„ c. 110.	Additional Bounty on Silk Manufactures (Great Britain).	The whole.
„ c. 114.	Drawback on Linens exported to the West Indies.	The whole.
„ c. 115.	Exportation of Raisins, Currants, and Figs from Great Britain, Duty free.	The whole.
„ c. 124.	Volunteers from Irish Militia	The whole.
„ c. 128.	Salaries and retiring Allowances to Masters in Chancery.	The whole.
„ c. 138.	Excise; Countervailing Duty on Hops, Window Glass, &c. (Ireland). Exemption of Draining Tiles.	Duties and Drawbacks on Glass.
„ c. 142.	Office of Surveyor-General of Woods and Forests.	The whole.
„ c. 151.	Crown Lands; New Leases on former Rents for Charitable Institutions, &c.	The whole.
47 Geo. 3. Sess. 1. c. 7.	Interchange of Grain between Great Britain and Ireland.	The whole.
„ c. 12.	Abolition and Regulation of Offices in the Customs (Ireland).	The whole.
„ c. 18.	Excise Duties and Taxes (Ireland).	Duties on Sweets and Made Wines.
„ c. 19.	Drawbacks on Sugar, &c. (Ireland).	The whole.
„ c. 35.	Duties on Excise Licences (Ireland).	The whole.
„ c. 36.	Abolition of the Slave Trade	The whole.
„ c. 38.	Paper Duties (Ireland),	The whole.
„ c. 40.	Duties, &c. on Malt and Spirits (Ireland)	The whole.
„ c. 47.	Prize Money on Captures by Foreign, in conjunction with British, Ships.	The whole.
„ c. 50.	Stamp Duties (Ireland)	The whole.
„ c. 55.	Charge of Loan upon War Duties of Customs, &c.	The whole.
47 Geo. 3. Sess. 2. c. 10.	Export of salted Beef and Pork (Ireland).	The whole.
„ c. 11.	Assessed Taxes, Excise Duties, &c. Recovery of Penalties (Ireland)	The whole.
„ c. 14.	Excise and Stamp Duties (Ireland)	The whole.
„ c. 16.	Duties, &c. on Importation and Exportation.	The whole.
„ c. 19.	Trade of rectifying Spirits (Ireland)	The whole.
„ c. 20.	Power to appoint the Chancellor of the Exchequer of Ireland one of the Commissioners of the Treasury in England.	The whole.

Act.	Subject.	Extent of Repeal.
47 Geo. 3. Sess. 2. c. 23.	Grant for Glebe Houses (Ireland) - -	The whole.
„ c. 30.	Excise Duties, &c. (Great Britain). -	The whole.
„ c. 34.	Importation and Exportation, Port of Amsterdam, Curaçoa.	The whole.
„ c. 44.	Sierra Leone Company - - -	Section 4.
„ c. 53.	Power for Postmaster-General to open and return Letters directed to Places abroad, but not delivered.	The whole.
„ c. 56.	Increase of Militia (Ireland) - -	The whole.
„ c. 63.	Excise Duties and Drawback on Silks -	The whole.
„ c. 65.	Exemption from Auction Duty of certain Sales by West India Dock Company.	The whole.
48 Geo. 3. c. 2. -	Duties on Malt, Sugar, Tobacco, and Snuff in Great Britain, and on Pensions and Offices in England.	The whole.
„ c. 9. -	Abolition of the Office of Surveyor of Subsidies and Petty Customs in the Port of London.	The whole.
„ c. 30. - -	Trade between Ireland and the East Indies.	The whole.
„ c. 31. - -	Counterfeiting of Bank of Ireland Silver Tokens, and Circulation of same.	The whole.
„ c. 41. - -	Repeal of certain Excise Duties, and Grant of Stamp Duties in lieu thereof, &c. (Ireland).	The whole.
„ c. 55. - -	Assessed Taxes and Stamp Duties on Game Certificates.	So much of Section 7. as enacts that "every "Receiver General "shall have an Allowance of Three "Halfpence in the "Pound on all Monies by him received and paid in "to the Receipt of "Exchequer, or duly "accounted for according to the "Course of His Majesty's Exchequer."
„ c. 56. - -	Abolition of Fees received by Customs Officers in Irish Ports, and Hours of Attendance and Holidays of said Officers and Officers of Excise.	The whole.
„ c. 57. - -	Duties of Customs on ready-made Corks	The whole.
„ c. 62. - -	Collection of Revenues of Customs and Excise (Ireland).	The whole.
„ c. 64. - -	Militia Enlistment into the Army (Ireland).	The whole.
„ c. 68. - -	Extension of Bounty on Pilchards exported.	The whole.
„ c. 74. - -	Collection of Malt Duties (Great Britain)	The whole.
„ c. 78. - -	Malt and Spirit Duties (Ireland) - -	The whole.
„ c. 91. - -	Examination of Accounts of Public Expenditure in West Indies.	The whole.
„ c. 99. - -	Warehousing of Prize Goods liable to Duty, and Reduction of Strength of Spirits condemned as Prizes.	The whole.

Act.	Subject.	Extent of Repeal.
48 Geo. 3. c. 107.	Returns of Fines, &c., under Acts relating to the Defence of the Realm.	The whole.
,, c. 117.	Duties upon painted or stained Silks	The whole.
,, c. 119.	Regulation of Duties on Spirits imported into Great Britain according to the Strength.	The whole.
,, c. 120.	Duties on Coffee, and warehousing the same, and Cocoa.	The whole.
,, c. 121.	Duties on Coffee taken out of Warehouses for Home Consumption.	The whole.
,, c. 122.	Vesting in the Commissioners for the Affairs of Barracks, of all Property occupied for the Barrack Service, &c.	The whole.
,, c. 129.	Larceny from the Person	The whole.
,, c. 143.	Stamp Duties on Licences for selling exciseable Liquors by retail.	Duties granted by.
,, c. 145.	Annuities to the Judges of the Courts of Session, &c., on Resignation (Scotland).	As to Annuities to the Barons of the Exchequer.
49 Geo. 3. c. 4.	Militia (Great Britain) Enlistment into the Army.	The whole.
,, c. 5.	Militia (Ireland) Enlistment into the Army.	The whole.
,, c. 9.	Importation of Flax Seed into Ireland	The whole.
,, c. 24.	Excise Duty on Spent Wash redistilled (Great Britain).	So far as relates to England.
,, c. 33.	Excise Duty on Spirits made from Sugar (Ireland), &c.	The whole.
,, c. 34.	Registry at Malta of Ships taken as Prize	The whole.
,, c. 44.	Exemption from Home Consumption Duties of Goods brought in as Prize or seized as Droits, and restored by Court of Admiralty.	The whole.
,, c. 56.	Completing the Militia (Ireland)	The whole.
,, c. 66.	Holidays, &c., in Offices of Excise	The whole.
,, c. 68.	Law of Bastardy (England)	The whole, except s. 3., so far as it relates to a Mother of a Bastard.
,, c. 69.	Indemnity to Persons having Printed Books, &c. without full Description of Printer's Place of Abode.	The whole.
,, c. 71.	Loan on Annuities	Section 16.
,, c. 76.	Exportation of Gunpowder, Arms, &c. (Ireland).	The whole.
,, c. 81.	Laws of Excise relating to Paper, Silks, Salt, &c. (Great Britain).	The whole.
,, c. 95.	Constitution of Board of Commissioners for auditing the Public Accounts.	The whole.
,, c. 96.	Superannuation Allowance to Officers of Excise.	The whole.
,, c. 106.	Warehoused Goods	The whole.
,, c. 109.	Woollen Manufacture	Sect. 5. in part, namely, from "nor shall any "such Persons," to "Parish or Place."
,, c. 112.	Purchase of Lands for Defence of the Realm.	The whole.

Act.	Subject.	Extent of Repeal.
49 Geo. 3. c. 116.	Management of Customs and Excise (Ireland).	The whole.
„ c. 117.	Excise Duty on Coffee, Growth of British Dominions in Africa (Great Britain).	The whole.
„ c. 121.	Bankrupts (England and Ireland) - -	The whole.
„ c. 127.	Salaries of Chief Baron and other Judges, Chief Justice of Chester, &c.	The whole.
50 Geo. 3. c. 10.	Clandestine running of Uncustomed Goods, &c.	The whole.
„ c. 26.	Duty on Exportation of Foreign plain Linen taken out of Warehouse.	The whole.
„ c. 34.	Exportation of British and Irish made Malt from one Part of the Kingdom to the other.	The whole.
„ c. 38.	Bonded Warehouses (Ireland) - -	The whole.
„ c. 44.	Excise Officers, Superannuation Allowance (Scotland).	The whole.
„ c. 47.	Relief and Maintenance of Insolvent Debtors (Ireland).	The whole.
„ c. 51.	Punishment of Women delivered of Bastards.	The whole.
„ c. 58.	Redemption and Sale of Land Tax -	Section 4.
„ c. 60.	Exportation from Bristol to Newfoundland of Foreign Salt, Duty Free. Shipping Salt in certain Cases to North America.	The whole.
„ c. 71.	Provision for Charges of the Loan, &c. of the present Session.	The whole.
„ c. 73.	Regulation of Baking Trade beyond London, &c.	The whole.
„ c. 75.	Additional Window Duty (Ireland) -	The whole.
„ c. 76.	Stamp Duties (Ireland) - - -	The whole.
„ c. 77.	Additional Customs Duties on certain Kinds of Wood.	The whole.
51 Geo. 3. c. 20.	Enlistment of a Proportion of the Militia into the Regular Forces.	The whole.
„ c. 23.	Abolition of Slave Trade.	The whole.
„ c. 30.	Militia Enlistment into the Army (Ireland)	The whole.
„ c. 32.	Security of Exciseable Goods on board Vessels in the Port of Bristol.	The whole.
„ c. 34.	Premiums to Ships employed in Southern Whale Fishery.	The whole, except Section 6.
„ c. 47.	Treaty of Commerce with Portugal -	The whole, except Section 9.
„ c. 55.	Abolition of Superannuation Fund in the Customs Department.	The whole.
„ c. 56.	Additional Duties on Tobacco manufactured in Ireland.	The whole.
„ c. 57.	Exportation of salted Beef and Pork from Ireland.	The whole.
„ c. 59.	Additional Duties on Wash or other Liquors used in the Distillation of Spirits and on Foreign Spirits.	The whole.
„ c. 61.	Provision for defraying increased Charge occasioned by Loan.	The whole.
„ c. 67.	Duties on Hides in the Hair - -	The whole.
„ c. 68.	Additional Duty on Verdigris - -	The whole.

Act.	Subject.	Extent of Repeal.
51 Geo. 3. c. 72.	Exemption from Duties of Assessed Taxes on Servants, Horses, Carriages, and Dogs kept in Great Britain and Ireland.	The whole.
„ c. 74.	Sale of warehoused Prize Goods	The whole.
„ c. 82.	Regulation respecting Rock Salt delivered to Refineries, &c.	The whole.
„ c. 89.	Increase of Salary of the Lord Lieutenant of Ireland.	The whole.
„ c. 93.	Duties on Norway Fir Timber	The whole.
„ c. 95.	Auction Duty; Roasting Coffee; Water-mark on Paper intended for Exportation.	Section 1.
„ c. 110.	Counterfeiting of Silver Tokens issued by the Bank of England.	The whole.
52 Geo. 3. c. 30.	Warehousing of Spirits distilled from Corn (Ireland).	The whole.
„ c. 34.	Relief of Debtors	The whole.
„ c. 36.	Duties on Mahogany, &c.	The whole.
„ c. 46.	Duties upon Spirits, &c. (Ireland)	The whole.
„ c. 48.	Duties on Spirits distilled from Corn in Stills of and under 100 Gallons Content (Ireland).	The whole.
„ c. 53.	Auction Duty on Sale of Colonial Coffee	The whole.
„ c. 60.	Payment of Superannuation Allowances in Customs Department (Scotland).	The whole.
„ c. 64.	Obtaining Bonds and other Securities under false Pretences.	The whole.
„ c. 81.	Superannuation allowance of Officers of Excise.	The whole.
„ c. 82.	Transfer to Consolidated Fund of Scotch Excise Charity and Superannuation Funds, &c.	The whole.
„ c. 87.	Stamp Duties; Duties on Cards and Dice (Ireland).	The whole.
„ c. 94.	Excise Duties on Glass, Hides, Tobacco and Snuff (Great Britain).	The whole.
„ c. 96.	Application of Amount of Bounties on Linen, &c., towards defraying Charge of any Loan made in the present Session.	The whole.
„ c. 107.	Allowance of Duty on Salt used for making Acid for Bleaching.	The whole.
„ c. 117.	Customs Duties on certain Woods, and on Pot and Pearl Ashes.	The whole.
„ c. 118.	Amendment of Act respecting Prohibition of Distillation of Spirits from Corn, &c.	The whole.
„ c. 119.	Importation from Turkey, &c., in Foreign Ships.	The whole.
„ c. 128.	Regulations for securing Excise Duties on Malt (Great Britain).	The whole.
„ c. 135.	Advance to the East India Company for Discharge of Part of the Indian Debt.	The whole.
„ c. 139.	Duties on Stone Bottles	The whole.
„ c. 142.	Removal of Goods from one bonding Warehouse to another.	The whole.
„ c. 153.	British White Herring Fishery	The whole.
53 Geo. 3. c. 8.	Duties and Drawbacks on Importation and Exportation of Spanish or Red Wine.	The whole.
„ c. 9.	Duties on Malt	The whole.

Act.	Subject.	Extent of Repeal.
53 Geo. 3. c. 10.	Additional Duty on Rice,	The whole.
„ c. 11.	Additional Drawback on Chocolate	The whole.
„ c. 19.	Prevention of Issue and Circulation of Gold or Silver Tokens, other than those of the Banks of England and Ireland.	The whole.
„ c. 20.	Militia (Great Britain) Enlistment of a Proportion of the Corps of Miners of Cornwall and Devon into the Regular Forces.	The whole.
„ c. 21.	Provision for poor Persons confined for Debt, &c., sued for by Order of Commissioners of Customs and Excise.	The whole.
„ c. 22.	Sale of Salt seized, Duty free, and Reward to seizing Officer.	The whole.
„ c. 30.	Bounty on Exportation of Manufactures of Waste Silk.	The whole.
„ c. 33.	Additional Duties of Customs	The whole.
„ c. 34.	Additional Excise Duties on Importation of Tobacco, Snuff, and French Wines, and Drawbacks.	The whole.
„ c. 38.	Exportation of Corn and other Articles to Newfoundland, &c.	The whole.
„ c. 52.	Distillation and Warehousing of Spirits made from Sugar (Ireland).	The whole.
„ c. 56.	Excise Duties on Malt (Ireland)	The whole.
„ c. 57.	Excise Duties on Tobacco (Ireland)	The whole.
„ c. 59.	Duties on Carriages, Horses, Male Servants, and Windows (Ireland).	The whole.
„ c. 60.	Collection of Duties on Hides dressed in Oil, Vellum, and Parchment (Ireland).	The whole.
„ c. 62.	Duties on Sugar for Home Consumption from Martinique, &c.	The whole.
„ c. 84.	Duties on Cape Wines	The whole.
„ c. 86.	Naval Compensations and Pensions	The whole.
„ c. 87.	Frauds by Boatmen and Others, and Adjustment of Salvage.	The whole.
„ c. 97.	Sale by Glassmakers of Muriate of Potash for Manufacture of Alum, and Excise Duty thereon.	The whole.
„ c. 100.	Audit of Accounts of Paymaster-General of the Forces, &c.	The whole.
„ c. 103.	Transfer of Excise Licences to Executors, &c., of licensed Traders.	The whole.
„ c. 104.	Entry into Ireland for Home Consumption of Sugar from Martinique, &c., at reduced Duty.	The whole.
„ c. 106.	Counterfeiting of Tokens of the Bank of Ireland.	The whole.
„ c. 112.	Prosecutions under Acts relating to the Abolition of the Slave Trade.	The whole.
„ c. 114.	Prevention of Issue and Circulation of Gold and Silver Tokens, except those of Banks of England and Ireland.	The whole.
„ c. 116.	Price and Assize of Bread sold out of City of London, and beyond the Bills of Mortality, &c.	The whole.
c. 120.	Reduction of the National Debt (Ireland)	The whole.

Act.	Subject.	Extent of Repeal.
53 Geo. 3. c. 124.	Use of Salt Duty free, for curing certain Fish.	The whole.
„ c. 128.	Relief of Roman Catholics holding Civil or Military Offices in Ireland, from Penalties of Popish Recusancy in England, &c.	The whole.
„ c. 129.	Sale of Offices of Six Clerks in Chancery (Ireland).	The whole.
„ c. 137.	Licences for Sale of Spirituous Liquors, &c. (Ireland).	The whole.
„ c. 140.	Cinque Ports Pilots	The whole.
„ c. 145.	Distillation of Spirits (Ireland)	The whole.
„ c. 147.	Excise Duties on Spirits (Great Britain)	The whole.
„ c. 148.	Illicit Distillation of Spirits (Ireland)	The whole.
„ c. 156.	Provision for Payment of the Charge of certain Annuities.	The whole.
54 Geo. 3. c. 1.	British and Irish Militias, Service out of the United Kingdom.	The whole.
„ c. 11.	Provision for Sergeants of Militia (Great Britain and Ireland).	The whole.
„ c. 12.	Augmentation of 60th Regiment by Enlistment of Foreigners.	The whole.
„ c. 17.	City of London Militia, Service out of the United Kingdom.	The whole.
„ c. 20.	Amendment of Act as to Service of the British and Irish Militias out of the United Kingdom.	The whole.
„ c. 21.	Duty on Scotch Salt brought to England	The whole.
„ c. 32.	Illicit Distillation of Spirits (Ireland)	The whole.
„ c. 36.	Customs Duties on Goods imported from East Indies into Great Britain, East India Company's Accounts, &c.	The whole.
„ c. 42.	Punishment for the Destruction of Stocking or Lace Frames, &c.	The whole.
„ c. 50.	Customs Duties on Salt	The whole.
„ c. 59.	Slave Trade Suppression, Registration of Condemned Ships.	The whole.
„ c. 64.	War Duties of Customs Continuance	The whole.
„ c. 65.	Customs Duties on Importation of French Goods, &c.	The whole.
„ c. 66.	Repeal of Customs Duties on Teak or other Wood for Ship-building, imported from East Indies.	The whole.
„ c. 69.	Repeal of all Customs Duties, Bounties, and Restrictions on the Exportation of Corn from the United Kingdom.	The whole.
„ c. 77.	Customs Regulations for securing Duties on Cape Wines.	The whole.
„ c. 88.	Collection of Excise Duties on Spirits (Ireland).	The whole.
„ c. 97.	Excise Duties on Glass (Great Britain)	The whole.
„ c. 120.	Management of Customs and Excise (Ireland).	The whole.
„ c. 121.	Excise Duties on Foreign Wine, Spirits, and other Liquors.	The whole.
„ c. 124.	Importation of Tobacco and Snuff into Plymouth.	The whole.

Act.	Subject.	Extent of Repeal.
54 Geo. 3. c. 127.	Exportation from Scotland and Ireland of Linen Cloth without Stamps.	So far as relates to Scotland.
„ c. 142.	Exportation of Tea to British America, &c., Duty free.	The whole.
„ c. 174.	Farming of the Post Horse Duties, and Measurement of Roads (Great Britain).	The whole.
55 Geo. 3. c. 14.	Customs Duties on Wood (Ireland)	The whole.
„ c. 22.	Customs Duties on Tobacco	The whole.
„ c. 23.	Customs Duties on Citrat of Lime	The whole.
„ c. 29.	Trade of Malta	The whole.
„ c. 35.	Additional Excise Duty on Tobacco (Ireland).	The whole.
„ c. 36.	Customs Duty on Tobacco (Ireland)	The whole.
„ c. 37.	Exportation or Importation of Sugar, Coffee, &c. (Ireland).	The whole.
„ c. 55.	Land Revenues of the Crown	The whole.
„ c. 57.	Repeal of South Sea Company's exclusive Privileges of Trade, and Indemnity to the Company for the Loss.	The whole.
„ c. 62.	Excise Duties on Malt (Ireland)	The whole.
„ c. 66.	Excise Duties on Salt, Drawback on Foreign Brimstone, &c.	The whole.
„ c. 95.	Customs Duties on Vegetable Substances used in Tanning.	The whole.
„ c. 99.	Excise Duties on Malt (Ireland)	The whole.
„ c. 105.	Excise Duties on Hides and Skins tanned in Ireland.	The whole.
„ c. 110.	Excise Duties on Sweets or made Wines (Ireland).	The whole.
„ c. 114.	Salaries, &c., of Master of the Rolls; Offices of Six Clerks in Chancery (Ireland).	Sections, 3, 4, 5, 6.
„ c. 129.	Drawbacks and countervailing Duties on Tobacco; Exportation of Wine.	The whole.
„ c. 135.	Customs Regulations as to Newfoundland Blubber and Train Oil.	The whole.
„ c. 141.	Amendment of the Act for Repeal of South Sea Company's exclusive Privileges of Trade.	The whole.
„ c. 163.	Customs Regulations; Licences to open Boats.	The whole.
„ c. 168.	Amendment of Laws relating to Militias of Great Britain and Ireland.	So far as relates to the Militia of Scotland.
„ c. 169.	Provision for Charge of Addition to Funded Debt.	The whole.
„ c. 172.	Support of Captured Slaves during the Period of Adjudication.	The whole.
„ c. 177.	Prevention of Frauds in Manufacture of Sweets.	The whole.
„ c. 179.	Use of Salt, Duty free, for curing Fish, &c.	The whole.
„ c. 181.	Customs Duty on certain Seeds imported	The whole.
56 Geo. 3. c. 25.	Duty on Importation of Butter	The whole.
„ c. 26.	Duty on Importation of Cheese	The whole.
„ c. 29.	Perpetuation of certain War Duties of Customs, &c.	The whole.
„ c. 34.	Additional Duty on Corks	The whole.

Act.	Subject.	Extent of Repeal.
56 Geo. 3. c. 44.	Excise Duties, &c. on Soap	The whole.
,, c. 59.	Excise Duty on Malt (Ireland)	The whole.
,, c. 64.	Amendment of Acts relating to the Militia of Great Britain.	So far as relates to the Militia of Scotland.
,, c. 70.	Redemption of National Debt (Ireland)	The whole.
,, c. 73.	Removal of Difficulties in Conviction of Offenders stealing Property from Mines.	The whole.
,, c. 75.	Customs Duties on Rape Seed, &c.	The whole.
,, c. 77.	Repeal of certain Duties granted by the Act for repealing the exclusive Privileges of the South Sea Company.	The whole.
,, c. 79.	Customs Duties on Rape Seed Cakes, Bones, &c.	The whole.
,, c. 85.	Management of Customs and Excise (Ireland).	The whole.
,, c. 86.	Aliens	The whole.
,, c. 94.	Use of crushed Rock Salt, Duty free, in Manufacture of Muriatic Acid, &c.	The whole.
,, c. 113.	Beer, &c. Licences (Great Britain)	The whole.
,, c. 118.	Duty on Oil and Blubber from the North American Colonies.	The whole.
,, c. 119.	Mutiny Act Amendment	The whole.
,, c. 127.	Duty on Exportation of small Coals from Great Britain.	The whole.
,, c. 133.	Provision for the annual Charge of the Loans of this Session.	The whole.
,, c. 135.	Crinan Canal (Scotland)	The whole.
,, c. 137.	Bankrupts	The whole.
57 Geo. 3. c. 18.	Business of the Court of Exchequer (England) Equity Side.	The whole.
,, c. 30.	Interest on and Periods of Payments of Navy, Victualling, and Transport Bills	The whole.
,, c. 32.	Excise Duties on Stone Bottles	The whole.
,, c. 49.	Laws of Excise respecting Salt and Rock Salt.	The whole.
,, c. 51.	Celebration of Marriages, Newfoundland	The whole.
,, c. 61.	Abolition of Offices of Wardens, Chief Justices, and Justices in Eyre of the Royal Forests, &c. North and South of the Trent.	The whole.
,, c. 63.	Regulation of Offices of Clerks of the Signet and Privy Seal.	The whole.
,, c. 76.	Drawback on Paper allowed to the Universities in Scotland.	The whole.
,, c. 79.	Transfer from Funds in Great Britain to Funds in Ireland.	The whole.
,, c. 86.	Importation of Foreign Cambrics and Lawns into Ireland.	The whole.
,, c. 88.	Fullers Earth, &c., carried Coastwise	The whole.
,, c. 96.	Duties on Coal, &c. removed Coastwise (Wales).	The whole.
,, c. 119.	Exemption of Stone Blacking Bottles from Duty.	The whole.
,, c. 123.	Excise Duty on Spirits made from Corn in England, &c.	The whole.
,, c. 128.	Window Duties (Scotland)	The whole.

Act.	Subject.	Extent of Repeal.
58 Geo. 3. c. 8. - -	Kilmainham Hospital, Suspension of Pensions for Misconduct.	The whole.
„ c. 13. - -	Duties on Licences for retailing Aqua Vitæ in Scotland.	The whole.
„ c. 18. - -	Customs Duties on Corks ready made imported into Ireland.	The whole.
„ c. 21. -	Excise Duties on Glass - - -	The whole.
„ c. 33. -	Allowance for Broken Plate Glass, &c. -	The whole.
„ c. 36. -	Execution of Treaty with Spain, for preventing Traffic in Slaves.	The whole.
„ c. 41. -	Collection of Duties on Paper (Ireland) and Drawback on Paper used at Press of Trinity College, Dublin.	The whole.
„ c. 49. -	Abolition of Slave Trade.	The whole.
„ c. 56. -	Bounty on Exportation of Silk Manufactures.	The whole.
„ c. 65. -	Excise Duties on Vinegar or Acetous Acid	The whole.
„ c. 75. -	Preservation of Game - - -	The whole.
„ c. 77. -	Excise Duties on Rock Salt - -	The whole.
„ c. 79. -	Auction Duties (Ireland) - - -	The whole.
„ c. 80. -	Transfer from Stocks in Great Britain to Stocks in Ireland.	The whole.
„ c. 85. -	Execution of Convention with Portugal, for Preventing Traffic in Slaves.	The whole.
„ c. 89. -	Attendance of Magistrates on board outward bound Passenger Vessels.	The whole.
„ c. 93. -	Relief to bonâ fide Holders for Value of negotiable Securities without Notice of usurious Consideration.	The whole.
„ c. 94. -	Sea Fisheries (Ireland) - - -	The whole.
„ c. 98. -	Abolition of the Slave Trade - -	The whole.
59 Geo. 3. c. 17. -	Execution of Convention with Portugal for preventing Traffic in Slaves.	The whole.
„ c. 28. -	Division of Courts of Quarter Sessions -	The whole.
„ c. 29. -	Customs Duties on Mineral Alkali -	The whole.
„ c. 36. -	Making and Sale of Bread out of City of London and beyond Bills of Mortality, &c.	The whole.
„ c. 57. -	Excise Duties, Salt (Great Britain) -	The whole.
„ c. 64. -	Proceedings against Warden of the Fleet in Vacation.	The whole.
„ c. 71. -	Loan from Commissioners for Reduction of National Debt.	The whole.
„ c. 91. -	Applications to Courts of Equity regarding Charity Estates (England).	The whole.
„ c. 97.	Trial of Offences committed in Africa against the Laws for Abolition of the Slave Trade.	The whole.
„ c. 103. -	Provisions respecting Accounts to be laid before Parliament.	The whole.
„ c. 105. -	Excise Duties on Spirits, certain Licences, Leather and Glass of Carriages, &c. (Great Britain and Ireland).	The whole.
„ c. 113. -	Premiums to Ships employed in Southern Whale Fishery.	The whole.

Act.	Subject.	Extent of Repeal.
59 Geo. 3. c. 120.	Registry of Colonial Slaves in Great Britain, and Removal of Slaves from Colonies.	The whole.
,, c. 124.	Passenger Vessels to Colonies, &c.	The whole.
1 Geo. 4. c. 9.	Grant of Privileges of British Ships to Vessels built at Malta, &c.	The whole.
,, c. 22.	Loan from Commissioners for Reduction of National Debt.	The whole.
,, c. 26.	Coasting Trade (Ireland)	The whole.
,, c. 35.	Court of Exchequer (England) Suitors' Money, Appointment of Accountant General, &c.	The whole.
,, c. 37.	Appointment of Special Constables by Magistrates.	The whole.
,, c. 40.	Compensation for Tithes withheld (Ireland).	The whole.
,, c. 72.	Lotteries	The whole.
,, c. 75.	Excise Duty on Tobacco	The whole.
,, c. 78.	Duties on Spirit Licences, &c. (Ireland)	The whole.
,, c. 87.	Recovery of Possession by Landlords	The whole.
,, c. 99.	Maintenance of a Volunteer Infantry Corps by the East India Company.	The whole.
,, c. 102.	Indictments in respect of Property belonging to Partners.	The whole.
,, c. 115.	Abolition of Capital Punishment for certain Offences, and Substitution of other Punishment.	The whole.
,, c. 118.	Excise Duty on Malt (Scotland)	The whole.
1 & 2 Geo. 4. c. 14.	Free Importation of Cochineal and Indigo.	The whole.
,, c. 22.	Ale and Beer Duties (Great Britain)	So much as relates to Certificates and Increases in Stock.
,, c. 29.	Allowances in certain Cases in respect of Duty on Irish Starch imported into Great Britain.	The whole.
,, c. 47.	Disfranchisement of Borough of Grampound, and additional Knights of the Shire for Yorkshire.	Sections 2 and 3.
,, c. 50.	Making and Sale of Bread out of City of London and beyond Bills of Mortality, &c.	The whole.
,, c. 60.	Exemption of Ships in ballast in the South Sea Trade from certain Tonnage Duties.	The whole.
,, c. 70.	Loan from Commissioners for Reduction of National Debt.	The whole.
,, c. 75.	Frauds by Boatmen and others, and Adjustment of Salvage in England.	The whole.
,, c. 91.	Silk and Mohair, &c. Bounties	The whole.
,, c. 96.	British Spirits Duty (Lisburne, Ireland)	The whole.
,, c. 99.	Slave Trade	The whole.
,, c. 102.	Drawback on Acetous Acid exported, and Exemption of Drainage Tiles from Duty.	The whole.
,, c. 105.	Amendment of Laws of Excise as to warehoused Goods.	The whole.

Act.	Subject.	Extent of Repeal.
1 & 2 Geo. 4. c. 110.	Horse Duties	The whole.
,, c. 120.	Lotteries	The whole.
3 Geo. 4. c. 25.	Starch and Soap Duties Allowances	The whole.
,, c. 32.	Duties on Plain Silk Net or Tulle	The whole.
,, c. 38.	Punishment for Manslaughter and for Robbery by Servants, and of Accessories before the Fact to certain Felonies.	The whole.
,, c. 47.	Rate of Interest on Securities made in Great Britain on Land, &c. in Ireland or the Colonies.	The whole.
,, c. 73.	Loan from Commissioners for Reduction of National Debt.	The whole.
,, c. 74.	Bankrupts under joint Commissions	The whole.
,, c. 101.	Lotteries	The whole.
,, c. 109.	Duties and Drawbacks on Barilla	The whole.
,, c. 125.	Leases of Tithes by Ecclesiastical Persons (Ireland).	The whole.
4 Geo. 4. c. 23.	Consolidation of Boards of Customs, and of Boards of Excise of Great Britain and Ireland.	The whole.
,, c. 45.	Assessed Taxes Composition	The whole.
,, c. 70.	Court of Exchequer, Equity Side (Ireland)	The whole.
,, c. 77.	Duties on Goods in Foreign Vessels, &c.	The whole, except Sections 5 and 6.
,, c. 78.	Stamp Duty on Proceedings in Equity (Ireland).	So far as relates to the Equity Side of the Court of Exchequer.
,, c. 89.	Limitation of Expenses of certain Law Proceedings (Ireland).	Section 3.
5 Geo. 4. c. 4.	Law Proceedings (Ireland)	The whole.
,, c. 8.	Church Lands (Ireland)	The whole.
,, c. 16.	Court of Exchequer, Equity Side (Ireland)	The whole.
,, c. 17.	Slave Trade Suppression	The whole.
,, c. 26.	Barrack Property	The whole.
,, c. 50.	Price of Bread	The whole.
,, c. 54.	Beer and Spirit Licences	Duties granted by.
,, c. 70.	Substitution of Flour for Foreign Wheat in Warehouses.	The whole.
,, c. 75.	Excise and Customs Duties	The whole.
,, c. 85.	Gaols and Houses of Correction (England)	So much as requires the making of any Return in the Form of the Schedule (A.) to this Act.
,, c. 106.	Courts of Great Sessions in Wales	The whole.
,, c. 113.	Slave Trade Abolition	From Section 13 to Section 20, both inclusive. Sections 37 and 42. From Section 52 to Section 59, both inclusive, as to Portugal or Spain. Section 67. Section 72.
6 Geo. 4. c. 19.	Threatening Letters as to accusing of infamous Crimes.	The whole.

Act.	Subject.	Extent of Repeal.
6 Geo. 4. c. 56.	Indictments for Forgery on Partnerships	The whole.
,, c. 60.	Exchequer, Equity Side (Ireland)	The whole.
,, c. 85.	Salaries and Pensions of Judges in India, and Bishop of Calcutta; Transportation from St Helena; Administration of Justice at Singapore, &c.	Section 17.
,, c. 96.	Writs of Error	The whole.
7 Geo. 4. c. 17.	Administration of Justice, Durham	The whole.
,, c. 20.	Stamp Duties in Courts of Law (Ireland)	The whole.
,, c. 48.	Customs Laws Amendment	The whole, except so much of Section 52 as relates to Excise.
,, c. 55.	Poll at Elections of Knights of the Shire for the County of York.	The whole.
7 & 8 Geo. 4. c. 34.	Ministers Money (Ireland)	The whole.
,, c. 46.	General Register House, Edinburgh	The whole.
,, c. 66.	Grants of Crown Lands for Public Buildings and Cemeteries.	The whole.
9 Geo. 4. c. 9.	Sessions of the Peace, Westminster	The whole.
,, c. 59.	Mode of taking the Poll at Parliamentary Elections for Boroughs (England).	The whole.
,, c. 72.	Bombay Marine	The whole.
,, c. 76.	Customs	The whole.
,, c. 84.	Slave Trade Abolition	The whole.
,, c. 93.	Delivery of Sugar out of Bond to be refined	The whole.
10 Geo. 4. c. 16.	Appointment of Writers in the East India Company's Service.	The whole.
11 Geo. 4. & 1 Will. 4. c. 10.	Maintenance of Families of Smugglers sentenced to serve in the Navy.	The whole.
,, c. 69.	Judicial Establishments (Scotland)	Section 42.
1 Will. 4. c. 3.	Administration of Justice, Law Terms, &c.	Sections 5 and 6.
2 & 3 Will. 4. c. 13.	Presentments, Baronies of St Sepulchres and Donore (Ireland).	The whole.
,, c. 31.	Regulation of Baking Trade (Ireland)	The whole.
,, c. 41.	Recovery of Tithes (Ireland)	The whole.
,, c. 49.	Office of Clerks of the Signet and Privy Seal.	The whole.
3 & 4 Will. 4. c. 10.	Cotton Wool Customs Duty	The whole.
,, c. 16.	Excise Duties on Soap	The whole.
,, c. 17.	Manufacture of Stone Blue	The whole.
,, c. 41.	Judicial Committee of Privy Council	Sections 22, 25, 26, and 27.
,, c. 98.	Bank of England Privileges	Section 7.
4 & 5 Will. 4. c. 32.	Reduction of Tonnage Rates in the Port of London.	Section 4.
,, c. 89.	Customs	The whole.
5 & 6 Will. 4. c. 32.	Tea Duties	The whole.
,, c. 37.	Militia Staff Reduction and Ballots Suspension.	The whole.
,, c. 40.	Duties on Wood, the Produce of Places in Europe.	The whole.
6 & 7 Will. 4. c. 25.	Postage Milford and Waterford	The whole.
,, c. 26.	Sugar Duties	The whole.
,, c. 61.	Shipowners' Liability for Losses by Fire	The whole.
,, c. 101.	Parliamentary Elections; List of Voters; Returning Officers (England).	Section 3.

Act.	Subject.	Extent of Repeal.
6 & 7 Will. 4. c. 112. -	Court of Exchequer, Equity Side - -	The whole.
7 Will. 4. & 1 Vict. c. 51.	Loans for Public Works and Fisheries -	Section 17.
„ c. 70.	Haileybury College, &c. - - -	Sections 1, 2, 3, 7, and so much of Section 5 as relates to Admission to Haileybury College.
„ c. 85.	Amendment of Laws relating to Offences against the Person.	Section 11.
1 & 2 Vict. c. 10. -	Banking and other Copartnerships, in which spiritual Persons are interested, Validity of Contracts.	The whole.
„ c. 22. -	Haileybury College - . -	The whole.
„ c. 54. -	Investment of Suitors' Money, Courts of Chancery and Exchequer.	Sections 3 and 4.
„ c. 120. -	Duchy of Cornwall Tin Duties - -	Section 8.
2 & 3 Vict. c. 14. -	Certain Appointments in Cathedral Churches (England).	The whole.
3 & 4 Vict. c. 17. -	Customs, Excise, and Assessed Taxes -	So much as relates to Customs Duties and Drawbacks.
„ c. 34. -	Masters in Chancery - - -	The whole.
„ c. 49. -	Excise Duties on Soap - - -	The whole.
4 & 5 Vict. c. 13. -	South Australia, Loan to Colonization Commissioners.	The whole.
5 & 6 Vict. c. 89. -	Drainage of Lands (Ireland) - -	Section 27.
„ c. 110. -	Coventry Boundary - - -	Section 9.
6 & 7 Vict. c. 12. -	Coroners' Inquests - - -	Section 4.
„ c. 29. -	Duties on Wheat, &c. imported from Canada.	The whole.
7 & 8 Vict. c. 28. -	Sugar Duties - - - -	The whole.
„ c. 33. -	County Rates and High Constables -	So far as relates to County Rates.
8 & 9 Vict. c. 5. -	Sugar Duties - - - -	The whole.
„ c. 13. -	Excise Duties on Sugar - - -	The whole.
„ c. 48. -	Oaths Dispensation, Bankruptcy - -	The whole.
9 & 10 Vict. c. 22. -	Corn Importation - - - -	The whole.
„ c. 58. -	Duties of Customs on Books and Engravings.	The whole.
„ c. 63. -	Sugar Duties - - - -	The whole.
„ c. 94. -	Reduction of Duties of Customs by Legislatures of certain British Possessions.	The whole.
10 & 11 Vict. c. 45. -	Prisoners' Removal in certain Cases (Ireland)	The whole.
„ c. 85. -	Post Office - - - -	Section 11.
12 & 13 Vict. c. 19. -	Removal of Prisoners from Gaols in Cases of Epidemic Diseases.	The whole.
„ c. 70. -	Summary Convictions (Ireland) - -	The whole.
„ c. 93. -	Metropolitan Sewers - - -	The whole.
13 & 14 Vict. c. 14. -	Advances to Distressed Unions (Ireland) -	The whole.
„ c. 67. -	Excise on Sugar, and Brewers' and Distillers' Licences.	Section 3.
14 & 15 Vict. c. 89. -	Metropolitan Interment Act, 1850, Amendment.	The whole.
15 & 16 Vict. c. 16. -	Repayment of Advances (Ireland) Act Amendment.	The whole.
16 & 17 Vict. c. 54. -	Customs Duties - - - -	The whole.
„ c. 125. -	Metropolitan Sewers Acts Continuance and Amendment.	The whole.

CAP. CII.

An Act to amend the Tramways (Ireland) *Act* (1860). —[*6th* August 1861.]

CAP. CIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament.—[*6th* August 1861.]

CAP. CIV.

An Act for establishing High Courts of Judicature in India.—[*6th* August 1861.]

CAP. CV.

An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England *belonging to Ecclesiastical Benefices.*—[*6th* August 1861.]

CAP. CVI.

An Act to enable the Admiralty to close the Harbour of Portpatrick *in* Scotland *during the Execution of certain Works in such Harbour sanctioned by Parliament.*—[*6th* August 1861.]

WHEREAS Parliament having voted the Sum of Twenty thousand Pounds for the Improvement of the Harbour of

of *Portpatrick* in *Scotland*, with a view to the Resumption of the Packet Service between *Scotland* and *Ireland*, the Commissioners for executing the Office of Lord High Admiral of the United Kingdom have on the Part of Her Majesty contracted for the Execution of certain Works, in order that such Harbour may be improved accordingly, for the Use of a Packet Service with *Ireland*: And whereas it is expedient that the Admiralty shall have Power to close up the said Harbour during the Execution of the said Works: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for Admiralty to close the Harbour.

I. It shall be lawful for the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of the said Lord High Admiral, or any Two of such Commissioners, by Writing under his or their Hand or Hands, to stop up and close, either partly or altogether, the said Harbour of *Portpatrick* during the Execution of the said Works, when and so long and so often as the said Lord High Admiral or the said Commissioners shall deem fit, and during the Time the said Harbour shall be so stopped up or closed it shall not be lawful for any Person to navigate or move or cause to be navigated or moved any Ship or any Vessel, Boat, or Barge of any Description into or out of or within the said Harbour, save and except in such Cases and under such Circumstances and Restrictions as the said Lord High Admiral or the said Commissioners shall by Writing under his or their Hand or Hands permit.

Penalty for navigating Ship, &c. in the Harbour when ordered to be closed.

II. If any Person navigate or move, or cause to be navigated or moved, any Ship, Vessel, Boat, or Barge, contrary to the Provisions of this Act, every such Offender shall forfeit and pay any Sum not exceeding Twenty Pounds, and shall also pay the full Amount of all Damage (if any) which the said Works, and the Machinery and other Means for executing such Works, or any of them, or any Part thereof, may have thereby sustained; and every such Penalty, and the Amount of every such Damage, (if any,) shall be paid to such Officer or Person as the said Lord High Admiral or the said Commissioners may direct, notwithstanding any Law to the contrary, and may be recovered by the Procurator Fiscal of any Court, or any Person or Persons who shall, with the Permission of the said Lord High Admiral or the said Commissioners, sue for the same before any Sheriff or Two Justices of the Peace; and it shall be lawful for the Sheriff or Justices before whom any Complaint for the Recovery of any Penalty or Damage may be brought to proceed

proceed in a summary Way, and to grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of any Penalties, Expenses, and Damage decerned for, failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Six Calendar Months.

CAP. CVII.

An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland. — [*6th* August 1861.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty *George* the Third, Chapter Fifty-four, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools in* Scotland: And whereas it is expedient to amend the said Act, and to make further and other Provisions for the Maintenance and Government of the said Schoolmasters and Schools, and to abolish the Test imposed by Law on Schoolmasters in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 43 G. 3. c. 54.

I. Where not inconsistent with the Context, the following Expressions shall have the Meaning herein-after assigned them; that is to say, Interpretation of Terms.

The Expression "Parochial School" shall mean and include every School established or to be established or provided for under the said recited Act:

The Expression "Burgh School" shall mean and include every Burgh, Grammar, or other public School, not being a Parochial School.

II. From and after the Term of *Martinmas* next after the passing of this Act the Salary of every Schoolmaster of any Parochial School shall not be less than the Sum of Thirty-five Pounds Salaries of Schoolmasters to be not less

than 35*l.* nor more than 70*l.* per Annum, but where Two or more Schools, Salaries not to be less than 50*l.* nor more than 80*l.*

Pounds nor more than the Sum of Seventy Pounds *per Annum*: Provided always, that where Two or more Schools have been or shall be established in any Parish in Terms of the said Act the total Amount of the Salary payable to the Schoolmasters therein shall not be less than Fifty Pounds nor more than Eighty Pounds *per Annum*, to be apportioned among the said Schoolmasters as the Heritors shall determine, in the Manner provided by the said Act; and the Salaries herein provided shall be in lieu of the Salaries payable under the Provisions of the said Act: Provided also, that it shall be lawful for the Heritors, if they shall think fit, to make any Addition granted by them to the Salary of any Schoolmaster beyond the minimum Amount hereby fixed to be dependent upon the Number of Scholars receiving Instruction in his School, under such Regulations as they may deem expedient.

Salary to be fixed by the Heritors and Minister, and to be payable in Money at the Terms and under Conditions now in use.

III. The Minister of every Parish in which there is a Parochial School shall, within Three Months from and after the passing of this Act, and on every Occasion of a Vacancy in the Office of Schoolmaster within Six Weeks after such Vacancy shall have taken place, call a Meeting of the Heritors together with the said Minister, in the Manner prescribed in the said recited Act, for the Purpose of fixing the Salary of the Schoolmaster under this Act, subject always to the Appeal provided in the said recited Act; and the Salary to be so fixed shall be payable in Sterling Money, at the same Terms and under the same Conditions, Provisions, and Regulations as are at present in use; and in case in regard to any Parish such Meeting shall not have been held or the Salary shall not have been fixed in manner and within the Period herein prescribed, the Salary shall, until such Meeting shall have been held and such Salary so fixed, be held as fixed at the Amount of Fifty Pounds *per Annum*, which Amount shall be payable to the Schoolmaster in manner hereinbefore prescribed; and where Two or more Schools have been established in any One Parish, the said Sum of Fifty Pounds shall be payable to the several Schoolmasters thereof, in the same Proportion according to which their several Salaries were payable before the passing of this Act: Provided always, that where any Parish shall be vacant at the Time of the passing of this Act, or become vacant before any such Meeting shall be called, or where any Minister shall decline or delay calling such Meeting, after having been required so to do by any Heritor or Heritors holding not less than One Third of the Valuation of the Parish, it shall be competent for such Heritor or Heritors to call, by Notice affixed to the Door of the Parish Church, and either a Circular sent to each Heritor, or an Advertisement published in a Newspaper of general Circulation in the District,

trict, a Meeting for the Purpose of fixing the Salary of the Schoolmaster under this Act, and the Salary fixed at such Meeting within the Limits specified in this Act shall be the Salary of the Schoolmaster or Schoolmasters.

Heritors may discontinue existing Side Schools.

IV. At the Meeting aforesaid it shall be lawful for the Heritors and Minister to resolve to discontinue, from and after a Date to be fixed by them, any subsisting Side School in the Parish: Provided always, that if such Side School is not vacant at the Date of such Meeting they shall provide to the Schoolmaster thereof during his Life, from and after its Discontinuance, an annual Payment equal in Amount to the full Salary to which at the Date of the passing of this Act he had Right by Law, under the Provisions of the said recited Act, together with the annual Value of any Dwelling House to which he may have been entitled as such Schoolmaster, as the same is or shall be valued by the Assessor for the County, which Amount shall be assessed, levied, and paid over and above the Salaries payable under this Act, and in like Manner as such Salaries are hereby directed to be assessed, levied, and paid.

Heritors may establish a Female Teacher.

V. It shall be lawful for the Heritors and Minister, at the Meeting aforesaid, or at any subsequent Meeting duly called for that Purpose, to resolve that a Female Teacher shall be established, to give Instruction in such Branches of Female Industrial and Household Training, as well as of Elementary Education, as they shall then or from Time to Time prescribe, and to provide, over and above the Salary herein-before mentioned, a yearly Sum not exceeding Thirty Pounds as a Salary for such Female Teacher, which yearly Sum shall be assessed, levied, and paid in like Manner as such herein-before mentioned Salary is hereby directed to be assessed, levied and paid; and it shall be lawful for the said Heritors and Minister to engage and appoint such Female Teacher for such Period of Time and on such Terms and Conditions as shall be agreed on.

Side School Teacher may be required to resign, on increasing Salaries, Provision being made for him during Life.

VI. It shall be lawful for the Heritors and Minister, at such Meeting as aforesaid, to resolve to require the Teacher of any Side School in the Parish, on a Notice of not less than Three Months, to resign his Office, on their providing to him during his Life an annual Payment equal in Amount to the full Salary to which at the Date of the passing of this Act he had Right by Law, under the Provisions of the said recited Act, together with the annual Value of any Dwelling House to which he may have been entitled as such Schoolmaster, as the same is or shall be valued by the Assessor of the County, which Amount shall be assessed, levied, and paid over and above the Salaries payable under this Act, and in like Manner as such Salaries are hereby directed to be assessed, levied, and paid; and at the Expiry of Three

Three Months from Notice as aforesaid, if such Teacher shall not previously have given in his Resignation, the Heritors and Minister having made Provision for such annual Payment as aforesaid, the Right of such Teacher to his Office shall cease and determine.

Salaries where not fixed at the maximum Amount may be increased.

VII. If in any Parish the Salary shall have been fixed at a yearly Sum less than the maximum Amount herein-before specified, it shall be lawful to the Heritors and Minister, at any Meeting to be called and held in the Manner before prescribed, from Time to Time to increase the Amount of such Salary, provided the same shall not exceed the said maximum Amount, and on any Vacancy in the Office of Schoolmaster from Time to Time to reduce the Salary, so that it shall not be less than the minimum Salary herein-before specified; provided that it shall be the Duty of the Minister to call such Meeting only on the Requisition of any Heritor or Heritors being Proprietors of not less than One Fourth Part of the whole Lands and Heritages situate within the Parish.

Office of Schoolmaster may be declared vacant where retiring Salary has already been agreed upon between Heritors and Schoolmaster.

VIII. In case the Heritors shall, previously to the passing of this Act, have entered into any Agreement with the Schoolmaster of any Parish for his Retirement from the Performance of the Duties of his Office, on Payment to him of a retiring Allowance or otherwise, it shall be lawful to the Heritors, at any Meeting to be called and held as aforesaid, to declare the Office of Schoolmaster of such Parish vacant, and to proceed to elect another Schoolmaster, and to grant such retiring Allowance or other Terms to such retiring Schoolmaster as may have been agreed upon as aforesaid, payable during the Remainder of his Life, which retiring Allowance shall be payable in all respects in like Manner with the Salary of the Schoolmaster.

Examination by Examiners appointed by the Universities to come in the Place of the Examination by the Presbytery.

IX. The Sixteenth Section of the said recited Act shall be and is hereby repealed; and in place of the Examination by the Presbytery therein prescribed it is hereby enacted as follows; viz.,

(1.) It shall be the Duty of the University Court of each University in *Scotland*, as soon as conveniently may be, and in no Case later than Two Months after the passing of this Act, and thereafter from Time to Time, to appoint Six Persons to be Examiners of Parochial Schoolmasters, Three of such Persons being Professors in the Faculty of Arts, and Three of such Persons being Professors in the Faculty of Divinity of the University.

Examiners to hold the Office for Two Years,

(2.) The Persons so appointed shall continue to be Examiners during Two Years from and after the Date of their respective Appointments, and until other Persons shall

shall have been in like Manner appointed in their Room; provided that it shall be lawful to the University Court to re-appoint all or any of the same Persons to be such Examiners, and to fill up from Time to Time any Vacancy which may occur by the Death, Resignation, or Disqualification of any of the Examiners; and it shall be lawful to each of the Persons so appointed to nominate as his Deputy, with Power to act as his Substitute in case of his Absence at any Meeting of the Examiners, any Person who may have become a Graduate in Arts of the University not later than Three Years prior to such Nomination; provided that such Nomination shall be approved by the University Court, and also provided that the Persons nominated by such Examiners as are Professors in the Faculty of Divinity shall be Ministers or Licentiates of the Church of *Scotland*:

but may be re-appointed; and Vacancies to be filled up.

(3.) It shall be lawful to the Examiners to make, on or before the Eleventh Day of *November* One thousand eight hundred and sixty-one, and thereafter from Time to Time, such Regulations as they shall see fit in regard to the Time and Manner of Examinations, and as to the Subjects to which the same shall extend, and to regulate the Notice to be given thereof, regard being always had in the framing of these Regulations to the Circumstances of each particular District; provided that such Regulations shall be approved of by the University Court; and the said Regulations, when so approved, shall be published by Advertisement in such Manner as the University Court shall direct; and the Examiners may appoint One of their own Number, or any One of their Substitutes, to act as their Secretary; and such Examinations shall be held within the Buildings of the University, and at such Time and Place as shall be fixed by the University Court:

Examiners to make and publish Regulations with Approval of University Court.

(4.) For the Purposes of the Examination of Parochial Schoolmasters the Parochial Schools in *Scotland* shall be and are hereby distributed into Four Districts, each in connexion with One of the Universities, as set forth in the Schedule (A.) hereto annexed:

Scotland to be divided into Four Districts as in Schedule (A.)

(5.) Every Person elected to be a Parochial Schoolmaster under the Provisions of this and the said recited Act, and every Person elected to be a Schoolmaster under the Provisions of the Act of the First and Second Years of the Reign of Her Majesty, Chapter Eighty-seven.

Persons elected Schoolmasters to be examined by the Examiners.

seven, shall, before his Admission to the said Office, and as a Condition thereof, submit himself to the Trial and Examination of the Examiners for the District to which the Parish for which he has been elected appertains, as to his Fitness and Qualifications for the Duties of the said Office; and being found qualified, the said Examiners shall furnish to him a Certificate to that Effect subscribed by them or by a Majority of their Number, which Certificate shall be conclusive Evidence that he has passed the requisite Examination, and been found qualified for the said Office, and the Examiners shall have Power, with Consent of the Committee of the Privy Council on Education, to require the Attendance at any such Examination, for the Purpose of assisting therein, of One of Her Majesty's Inspectors of Schools.

Electors of Schoolmaster may choose more than One Candidate to be tried by Examiners.

X. It shall be lawful for the Persons entitled to elect any Burgh or Parochial Schoolmaster, if they shall see fit, instead of electing some One Person to the vacant Office, to choose and nominate Two Persons or Three Persons to be tried by the Examiners, whose Duty it shall be to make Trial of the comparative Fitness and Qualifications of the Persons so chosen and nominated, and to determine which of them is the best qualified and most fit for the School with reference to which they have been so chosen, and to give the Person so preferred by them a Certificate to that Effect, and such Certificate, along with the Minute of Nomination by the Persons entitled to elect, and also, in the Case of a Parochial Schoolmaster, the Certificate of his having emitted the Declaration herein-after set forth, shall complete the Right of the Person so preferred to the Office of Schoolmaster: Provided always, that if the Examiners shall not be satisfied of the Fitness and Qualifications of any of the Persons nominated as aforesaid, they may decline to grant a Certificate to any of them, of which Declinature they shall forthwith cause Intimation to be made to the Persons having the Right of Election; and provided further, that in the event of Two or more Candidates for the Office of Schoolmaster being remitted by the Heritors and Minister to the Examiners for competitive Examination, the Heritors shall pay to each of the Examiners a Fee of Ten Shillings for each additional Candidate so examined; and in the event of the Magistrates of any Burgh remitting any Candidate for Examination to the Examiners, they shall pay to each of the Examiners a Fee of One Pound One Shilling if there be only One, and a Fee of Ten Shillings for each additional Candidate.

Commissioners of

XI. It shall be lawful to the Commissioners of Her Majesty's Treasury

Treasury to pay out of any Monies which may be voted by Parliament for that Purpose the Sum of One Pound One Shilling to each of the said Examiners for and in respect of every Person examined by them under the Provisions of this Act, and also the Sum of Fifteen Shillings for each such Examination to the Secretary of the Examiners, out of which Sum he shall defray the Expense of the Advertisements required by this Act and other incidental Expenses.

the Treasury to pay 21*s.* to each of the Examiners in respect of each Examination, and 15*s.* to their Secretary.

XII. From and after the passing of this Act, it shall not be necessary for any Schoolmaster, or for any Person elected a Schoolmaster, of any Parochial School, or of any School under the Provisions of the Act of the First and Second Years of the Reign of Her Majesty, Chapter Eighty-seven, to profess or subscribe the Confession of Faith, or the Formula of the Church of *Scotland*, or to profess that he will submit himself to the Government and Discipline thereof: Provided always, that every Person elected a Schoolmaster of any such School shall, as a Condition of the Office, and before Admission thereto, produce before the Principal, or, in case of his Absence or Inability to act, before One or other of the Professors in the Faculty of Divinity of the University in which he has been examined, an Extract or certified Copy of the Minutes of his Election, together with the said Certificate by the Examiners, and shall in the Presence of the Principal or Professor emit and subscribe a Declaration in the following Terms; that is to say,

Parochial Schoolmasters not to be required to sign Confession of Faith or Formula, but to make a Declaration and to undertake to conform to the Shorter Catechism.

'I *A.B.* do solemnly and sincerely, in the Presence of God, 'profess, testify, and declare, That as Schoolmaster of the 'Parochial School at in the Parish of '..... , and in the Discharge of the said Office, 'I will never endeavour, directly or indirectly, to teach or in'culcate any Opinions opposed to the Divine Authority of 'the Holy Scriptures, or to the Doctrines contained in the 'Shorter Catechism agreed upon by the Assembly of Divines 'at Westminster, and approved by the General Assembly of the 'Church of Scotland, in the Year One thousand six hundred and 'forty-eight; and that I will faithfully conform thereto in my 'teaching of the said School, and that I will not exercise the 'Functions of the said Office to the Prejudice or Subversion of 'the Church of Scotland as by Law established, or the Doctrines 'and Privileges thereof.'

And the Person elected to be Schoolmaster, having made such Productions and Declaration, shall be furnished with an Attestation to that Effect subscribed by the said Principal or Professor, which Attestation shall complete his Right to the Emoluments provided by this Act.

XIII. It shall be competent for the Presbytery of the Bounds, or

Presbytery of the

Bounds may present a Complaint to Secretary of State against Schoolmaster.

or for the Heritors, whensoever they shall see Cause for instituting Proceedings against the Schoolmaster of any Parish, for Contravention of the said Declaration, to present a Complaint to One of Her Majesty's Principal Secretaries of State against such Schoolmaster; and it shall be lawful to the Secretary of State thereupon to appoint a Commission to inquire into the said Charge, and to censure, suspend, or deprive such Schoolmaster, as they shall find to be just; provided that no such Sentence shall take effect until it has been confirmed and approved of by the Secretary of State.

Jurisdiction of the Presbytery in Cases of immoral Conduct or Cruelty transferred to the Sheriff.

XIV. So much of the Twenty-first Section of the said recited Act as provides that the Presbytery shall take cognizance of, and, if they see Cause, proceed by Libel against any Schoolmaster in respect of any Complaint charging him with immoral Conduct, or cruel and improper Treatment of the Scholars under his Charge, is hereby repealed; and in lieu thereof it is hereby enacted, That it shall be lawful to the Heritors and Ministers, or the Clerk of the Presbytery of the Bounds, by the Authority of the said Presbytery, given on the Application of the Heritors and Minister, or of any Six Heads of Families in the Parish whose Children are attending the School, to make a Complaint in Writing to the Sheriff of the County in which the School is situate, charging the Schoolmaster with immoral Conduct, or cruel and improper Treatment of the Scholars under his Charge, and specifying in such Complaint the particular Acts in respect of which the Complaint is made: and a Copy of such Complaint shall be served upon the Schoolmaster, who shall be required, on an Inducie of Fourteen Days, to appear before the Sheriff, by himself or his Agent, to answer to the said Complaint; and the Schoolmaster accused shall, if he deny the Charge, if he think fit, answer the Particulars of the Complaint, such Answer to be in Writing, and to be lodged within the said Fourteen Days, or may, when the Cause comes to be tried, state his Plea to be Not Guilty; and the Sheriff shall thereafter proceed to the Trial of the Complaint, and take the Evidence in the same Way as and under the same Rules as those which are in force in the Sheriff Court in regard to Process in Civil Causes; and in the event that he shall find such Complaint or any material and relevant Part thereof to be proved, the Sheriff shall give Judgment accordingly, and shall pass such Sentence of Censure, Suspension, or Deprivation, as in his Opinion the Case requires, which Sentence shall be final and not subject to Review, and shall have all the Effects consequent before the passing of this Act on any similar Sentence of any Presbytery under the Provisions of the last recited Section of the said Act, and no Sentence of Censure, Suspension, or Deprivation otherwise

wise pronounced on such Charges shall be valid or effectual: Provided always, that where Sentence of Suspension shall be pronounced the Salary of the Schoolmaster in respect of his Office shall cease and determine from the Date of such Sentence until the next Term of *Whitsunday* or *Martinmas* following the Expiration of the Term of Suspension specified in such Sentence, and the Salary accruing during the said Period shall be applied by the Heritors and Minister towards providing a Substitute for such Schoolmaster during the Period of the Suspension.

Expenses incurred by the Complainers to be repaid out of the Rogue Money.

XV. The Sheriff shall by his Decerniture ascertain and specify the Amount of the Expenses properly incurred by the Complainers in the Proceedings connected with any Complaint against the Schoolmaster of any Parochial School; and the Complainers shall be entitled to recover the Amount so ascertained from the Collector, and out of the readiest Proceeds of the Assessments commonly called the Rogue Money levied for the County within which the School is situate, under the Provisions of an Act passed in the Eleventh Year of the Reign of His Majesty *George* the First, Chapter Twenty-six; and the Receipt of the Agent of the Complainers shall be a sufficient Discharge to the said Collector for any Payments so made by him out of the said Rogue Money or Assessments.

Repeal of Clauses of the recited Act requiring an Estimate of the Value of Grain to be made at successive Periods.

XVI. So much of the Second Section of the said recited Act as provides that where the Salaries of Parochial Schoolmasters had been before the passing thereof payable in Grain or Meal such Salary in Grain or Meal should continue to be paid, and also the Third, Fourth, and Sixth Sections of the said recited Act, shall be and are hereby repealed; and it is hereby declared and provided, that the Right of electing a Parochial Schoolmaster, *juro devoluto*, conferred by the Fifteenth Section of the said recited Act on the Commissioners of Supply of the County, after the Expiration of Four Months from the Time when the Vacancy in any Parochial School shall have taken place, shall not arise or accrue to the Commissioners of Supply until the Expiration of Six Months from the Time of such Vacancy.

Schoolmaster's House to consist of Four Apartments.

XVII. Where in any Parish it shall be necessary to provide a House for the Parochial Schoolmaster, in Terms of the recited Act, and of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Foundation and Endowment of additional Schools in* Scotland, or either of them, such House shall consist of at least Three Apartments besides the Kitchen.

Act not to interfere with Arrangements as to Retire-

XVIII. Nothing in this Act shall be held to interfere with any Arrangement which may have been concluded between the Heritors and Schoolmaster of any Parish for the Retirement of such Schoolmaster, except as regards the House and Garden, and

ment of Schoolmaster.

and Premises attached thereto, which shall in every Case be made over at the Term of *Whitsunday* next after the passing of this Act to the Person actually discharging the Duties of Schoolmaster, and where the Use of such Premises may have formed Part of a retiring Allowance the Heritors shall make reasonable Compensation to the Ex-Schoolmaster.

Heritors and Ministers may permit or require Schoolmaster to resign.

XIX. In case it shall be found, on a Report by One of Her Majesty's Inspectors of Schools, made on the Application of the Heritors of the Parish, and concurred in by the Presbytery of the Bounds, that the Schoolmaster of any Parish is disqualified because of Infirmity or Old Age for the due Performance of the Duties of his Office, or that from Negligence or Inattention he has failed efficiently to discharge such Duties, it shall be lawful to the Heritors and Minister, at any Meeting called and held as aforesaid, to permit or require such Schoolmaster to resign his said Office, and in case of his refusal so to do to dismiss or suspend such Schoolmaster, and when necessary to declare the School vacant; and in every Case of such Resignation the Heritors and Minister may grant to such Schoolmaster a retiring Allowance payable during the Remainder of his Life; provided that where such Resignation shall not be occasioned by any Fault on the Part of the Schoolmaster the Heritors shall grant a retiring Allowance the Amount whereof shall not be less than Two Third Parts of the Amount of the Salary pertaining to said Office at the Date of such Resignation thereof, and shall not exceed the gross Amount of such Salary, which retiring Allowance shall be payable in all respects in like Manner with the Salary of the Schoolmaster; provided also, that no Schoolmaster shall be suspended for a longer Period than Three Months, or be dismissed for Neglect of Duty, excepting under the above Provisions.

Minister and Heritors may grant annual Allowance to Schoolmaster, in addition to retiring Allowance.

XX. In all Cases in which the Minister and Heritors are by this Act empowered to provide a retiring Allowance for a Schoolmaster who shall resign or shall be removed from his Office, it shall be lawful for them, if they see fit, to provide for such Schoolmaster, in addition to such Allowance, and in like Manner, a further yearly Sum, equal in Amount to the annual Value of any Dwelling House and Garden to which he may be entitled as such Schoolmaster, as the same shall be valued by the Assessor for the County.

20 & 21 Vict. c. 59. repealed.

XXI. The whole Provisions of an Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Fifty-nine, intituled *An Act concerning the Parochial Schoolmasters in* Scotland, shall be and are hereby repealed.

Schoolmasters in

XXII. From and after the passing of this Act, it shall not be necessary for any Person elected to be a Schoolmaster of any Burgh

Burgh School to profess or subscribe the Confession of Faith, or the Formula of the Church of *Scotland*, or to profess that he will submit himself to the Government and Discipline thereof, nor shall any such Schoolmaster be subject to the Trial, Judgment, or Censure of the Presbytery of the Bounds for his Sufficiency, Qualifications, or Deportment in his Office, any Statute to the contrary notwithstanding; and this Enactment shall be a sufficient Defence in answer to any Proceedings against any Schoolmaster of any Burgh School in respect that he has not made such Profession or Subscription.

Royal Burghs not to be required to sign Confession of Faith or Formula of Church of Scotland.

XXIII. Nothing herein contained shall repeal, alter, or affect the Provisions of the recited Act, or of any other Act relating to Parochial Schools or Schoolmasters in *Scotland*, excepting in so far only as shall be necessary to give Effect to the Provisions of this Act.

Not to affect Provisions relating to Parochial Schools, &c.

XXIV. This Act may be quoted in all Proceedings as "The Parochial and Burgh Schoolmasters (*Scotland*) Act, 1861."

Short Title.

SCHEDULE (A.)

DIVISION OF SCOTLAND INTO FOUR DISTRICTS IN CONNEXION WITH THE FOUR UNIVERSITIES.

ST ANDREWS.	GLASGOW.	ABERDEEN.	EDINBURGH.
All the Parochial Schools situate within any of the Counties of Clackmannan and Kinross, Fife, Forfar, Perth.	All the Parochial Schools situate within any of the Counties of Ayr, Argyll, Bute, Dumbarton, Dumfries, Kirkcudbright, Lanark, Renfrew, Wigton.	All the Parochial Schools situate within any of the Counties of Aberdeen, Banff, Caithness, Elgin & Nairn, Inverness, Kincardine, Orkney and Shetland, Ross and Cromarty, Sutherland.	All the Parochial Schools situate within any of the Counties of Berwick, Edinburgh, Haddington, Linlithgow, Peebles, Roxburgh, Selkirk, Stirling.

CAP. CVIII.

An Act to provide for the Winding up the Naval Medical Supplemental Fund Society.—[6*th* August 1861.]

CAP. CIX.

An Act to amend the Laws relating to Fisheries of Salmon in England.—[6*th* August 1861.]

CAP. CX.

An Act for regulating the Business of Dealers in old Metals.—[6*th* August 1861.] (England.)

CAP. CXI.

An Act to amend "The Probates and Letters of Administration Act (Ireland), 1857."—[6*th* August 1861.]

CAP. CXII.

An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury *and* Saint Alban.—[6*th* August 1861.] (England.)

CAP. CXIII.

An Act for amending and consolidating the Law relating to Industrial Schools.—[6*th* August 1861.] (England.)

CAP. CXIV.

An Act to amend the Law with respect to Wills of Personal Estate made by British *Subjects.*—[6*th* August 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Wills made out of the Kingdom to be admitted if made according to the Law of the Place where made.

I. Every Will and other testamentary Instrument made out of the United Kingdom by a *British* Subject (whatever may be the Domicile of such Person at the Time of making the same or at the Time of his or her Death) shall as regards Personal Estate be held to be well executed for the Purpose of being admitted in *England* and *Ireland* to Probate, and in *Scotland* to Confirmation, if the same be made according to the Forms required either by the Law of the Place where the same was made, or by the Law of the Place where such Person was domiciled when the same was made, or by the Laws then in force in that Part of Her Majesty's Dominions where he had his Domicile of Origin.

Wills made in the Kingdom to be admitted if made according to local Usage.

II. Every Will and other testamentary Instrument made within the United Kingdom by any *British* Subject (whatever may be the Domicile of such Person at the Time of making the same or at the Time of his or her Death) shall as regards Personal Estate be held to be well executed, and shall be admitted in *England* and *Ireland* to Probate, and in *Scotland* to Confirmation, if the same be executed according to the Forms required by the Laws for the Time being in force in that Part of the United Kingdom where the same is made.

Change of Domicile not to invalidate Will.

III. No Will or other testamentary Instrument shall be held to be revoked or to have become invalid, nor shall the Construction thereof be altered, by reason of any subsequent Change of Domicile of the Person making the same.

Nothing in this Act to invalidate Wills otherwise made.

IV. Nothing in this Act contained shall invalidate any Will or other testamentary Instrument as regards Personal Estate which would have been valid if this Act had not been passed, except as such Will or other testamentary Instrument may be revoked or altered by any subsequent Will or testamentary Instrument made valid by this Act.

Extent of Act.

V. This Act shall extend only to Wills and other testamentary Instruments made by Persons who die after the passing of this Act.

CAP. CXV.

CAP. CXV.

An Act for the Government of the Navy.—[6*th* August 1861.]

CAP. CXVI.

An Act for the Appropriation in favour of the Military Knights and the Churches of Windsor *of Two of the Canonries suspended in the Chapel of* Windsor, *and for making certain Provisions respecting the Naval Knights of* Windsor.—[6*th* August 1861.]

CAP. CXVII.

An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts.—[6*th* August 1861.]

WHEREAS it is expedient to regulate the Employment of Females, young Persons, Youths, and Children in Lace Factories, and to provide for the Education of such Children: And whereas an Act was passed in the Fourth Year of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in Mills and Factories in the United Kingdom:* And whereas an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of young Persons and Females in Factories:* And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to Labour in Factories:* And whereas an Act was passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act further to regulate the Employment of Children in Factories:* And whereas an Act was passed in the Twentieth Year of the Reign of Her present Majesty, intituled *An Act for the further*

3 & 4 W. 4. c. 103.
7 & 8 Vict. c. 15.
10 & 11 Vict. c. 29.
13 & 14 Vict. c. 54.
16 & 17 Vict. c. 104.
19 & 20 Vict. c. 38.

further Amendment of the Laws relating to Labour in Factories: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Recited Acts to apply to Lace Factories, and to the Employment of Females, young Persons, Youths, and Children therein.

I. That from and after the First Day of *August* One thousand eight hundred and sixty-two the Powers and Provisions of the herein-before recited Acts shall apply and be held to apply to Lace Factories, and to the Employment of Females, young Persons, Youths, and Children in Lace Factories, to all Intents and Purposes as completely and effectually as if such Lace Factories had been mentioned and included in the Provisions of the herein-before recited Acts or any of them, except as is hereinafter mentioned.

Youths between the Age of Sixteen and Eighteen may be employed between 4 a.m. and 10 p.m., but not more than Nine Hours between those Hours.

II. Nothing in the said recited Acts contained, or in this Act, shall be held to prevent the Employment in any Lace Factory of any Youth of the Age of Sixteen and under Eighteen, between the Hours of Four of the Clock in the Morning and Ten of the Clock at Night; provided nevertheless, that if any such Youth shall be employed earlier than Six of the Clock in the Morning or later than Six of the Clock in the Evening of any Day, in every such Case it shall not be lawful to employ such Youth for a longer Period than Nine Hours on such Day; and provided also, that it shall not be lawful to employ any Youth both earlier than Six of the Clock in the Morning and later than Six of the Clock in the Evening of the same Day, nor to employ any Youth both later than Six of the Clock in the Evening of any Day and earlier than Six of the Clock in the Morning of the next succeeding Day; and in every such Case the Owner of the Lace Machine, or if such Machine is let out for Hire the Person hiring such Machine, in or about or in immediate Connexion with which such Youth shall have been so employed, shall, every Day except *Sundays*, before Twelve of the Clock at Noon, register or cause to be registered in a Book, first approved of by an Inspector, in the Form given in Schedule A. to this Act annexed, the Hours within which every such Youth shall severally have been employed during the Working Day last passed.

Agents or Workmen may be summoned for acting contrary to the Act without the Knowledge of the Owner, &c.

III. If any Offence shall be committed against this Act, for which the Owner or the Hirer of any Lace Machine is hereby made responsible, and it shall be made to appear to the Satisfaction of any Justices that the Offence has been committed by or under the Authority of some Agent, Servant, or Workman of the Owner or Hirer of such Machine, without the personal Consent, Concurrence, or Knowledge of such Owner or Hirer, it shall be lawful for such Justices to summon such Agent, Servant, or Workman before them to answer for such Offence; and such

Agent

Agent or Servant or Workman, if convicted, shall be liable to the Penalties and Punishment for such Offence specified in the said recited Acts, and such Justices may convict such Agent or Servant or Workman in lieu of such Owner or Hirer.

Interpretation of Terms.

IV. In the Construction of this Act, the Word "Lace Factories" shall be understood to mean Factories in which Machines for the Manufacture of Lace are moved by Steam or Water Power; and the Word "Lace Machine" shall be taken to mean a Lace Machine moved by Steam or Water Power; and the Words "Agent," "Servant," and "Workman," shall be taken to mean any Person receiving a Salary, Wages, Payment, or Remuneration for any Description of Service or Work performed in or about or in immediate Connexion with any such Machine; and no Agent, Servant, Workman, or other Person employed upon the dressing or finishing of Lace, or upon any other Process subsequent to the making of Lace upon the Lace Machine, shall be deemed to be included within the Provisions of this Act; and the Words "young Person" shall be taken to mean a Female of Thirteen and under Eighteen Years of Age, and a Male of Thirteen and under Sixteen Years of Age; and the Word "Youth" shall be taken to mean a Male of Sixteen and under Eighteen Years of Age.

Certain Provisions of recited Acts not to extend to Lace Factories;

V. The Provisions of the said recited Acts, so far as they relate to the Recovery of lost Time, shall not extend to Lace Factories.

nor those relating to fencing Machinery.

VI. The Provisions of the said recited Acts in regard to requiring Machinery to be fenced off shall not extend to Lace Factories.

SCHE-

SCHEDULE A.

REGISTER of the TIME during which every YOUTH, employed on any Day before 6 a.m. or after 6 p.m., has been employed during the Week ending [Sept. 10, 1862] by [John Armstrong & Co.] at the [ ] Lace Factory, situate in [Street], [Nottingham], or [in the Parish or Township of] in the County of [ ].

Progressive Number on Certificate Book.	Surname.	Christian Name.	Sept. 5. Monday.	Sept. 6. Tuesday.	Sept. 7. Wednesday.	Sept. 8. Thursday.	Sept. 9. Friday.	Sept. 10. Saturday.
			A.M. Hrs. Min. 4 to 6·30 - 2 30 10 „ 12 - 2 0 P.M. 2 to 6·30 - 4 30 Total - 9 0	Between 6 a.m. and 6 p.m.	Between 6 a.m. and 6 p.m.	A.M. Hrs. Min. 6 to 10 - 4 0 P.M. 2 to 4·30 - 2 30 7·30 to 10 - 2 30 Total - 9 0	A.M. Hrs. Min. 8 to 11 - 3 0 P.M. 2 to 6 - 4 0 Total - 7 0	A.M. Hrs. Min. 6 to 8 - 2 0 P.M. 12 to 3 - 3 0 6 „ 10 - 4 0 Total - 9 0
			A.M. Hrs. Min. 4 to 8 - 4 0 P.M. 1 to 6 - 5 0 Total - 9 0	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.
			A.M. Hrs. Min. 8 to 1 p.m. 5 0 P.M. 6 to 10 - 4 0 Total - 9 0	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.

[The Hours of actual Work are to be registered after the Manner described in the above Schedule, as the Case may be.]

CAP. CXVIII.

An Act to enable the Secretary of State in Council of India *to raise Money in the United Kingdom for the Service of the Government of* India.—[6*th* August 1861.]

CAP. CXIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.*—[6*th* August 1861.]

CAP. CXX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[6*th* August 1861.]

CAP. CXXI.

An Act to amend the Law in relation to the Wills and Domicile of British *Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.*—[6*th* August 1861.]

WHEREAS by reason of the present Law of Domicile the Wills of *British* Subjects dying whilst resident abroad are often defeated, and their Personal Property administered in a Manner contrary to their Expectations and Belief; and it is desirable

desirable to amend such Law, but the same cannot be effectually done without the Consent and Concurrence of Foreign States: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

No British Subject dying in a Foreign Country to be deemed to have acquired a Domicile unless resident there for One Year immediately preceding his or her Death, &c., and for all Purposes of Testate or Intestate Succession shall retain the Domicile possessed at the Time of going to reside in such Foreign Country.

I. Whenever Her Majesty shall by Convention with any Foreign State agree that Provisions to the Effect of the Enactments herein contained shall be applicable to the Subjects of Her Majesty and of such Foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, That from and after the Publication of such Order in the *London Gazette* no *British* Subject resident at the Time of his or her Death in the Foreign Country named in such Order shall be deemed under any Circumstances to have acquired a Domicile in such Country unless such *British* Subject shall have been resident in such Country for One Year immediately preceding his or her Decease, and shall also have made and deposited in a Public Office of such Foreign Country (such Office to be named in the Order in Council) a Declaration in Writing of his or her Intention to become domiciled in such Foreign Country; and every *British* Subject dying resident in such Foreign Country, but without having so resided and made such Declaration as aforesaid, shall be deemed for all Purposes of Testate or Intestate Succession as to Moveables to retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country as aforesaid.

No Foreign Subject dying in Great Britain or Ireland to be deemed to have acquired a Domicile unless resident therein for One Year immediately preceding his or her Death, &c.

II. After any such Convention as aforesaid shall have been entered into by Her Majesty with any Foreign State it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that no Subject of any such Foreign Country who at the Time of his or her Death shall be resident in any Part of *Great Britain* or *Ireland* shall be deemed under any Circumstances to have acquired a Domicile therein, unless such Foreign Subject shall have been resident within *Great Britain* or *Ireland* for One Year immediately preceding his or her Decease, and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department, a Declaration in Writing of his or her Desire to become and be domiciled in *England, Scotland,* or *Ireland,* and that the Law of the Place of such Domicile shall regulate his or her Moveable Succession.

Who this Act shall not apply to.

III. This Act shall not apply to any Foreigners who may have obtained Letters of Naturalization in any Part of Her Majesty's Dominions.

IV. Whenever

When Subjects of Foreign States shall die in Her Majesty's Dominions, and there shall be no Persons to administer to their Estates, the Consuls of such Foreign States may administer.

IV. Whenever a Convention shall be made between Her Majesty and any Foreign State, whereby Her Majesty's Consuls or Vice-Consuls in such Foreign State shall receive the same or the like Powers and Authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that whenever any Subject of such Foreign State shall die within the Dominions of Her Majesty, and there shall be no Person present at the Time of such Death who shall be rightfully entitled to administer to the Estate of such deceased Person, it shall be lawful for the Consul, Vice-Consul, or Consular Agent of such Foreign State within that Part of Her Majesty's Dominions where such Foreign Subject shall die, to take possession and have the Custody of the Personal Property of the Deceased, and to apply the same in Payment of his or her Debts and Funeral Expenses, and to retain the Surplus for the Benefit of the Persons entitled thereto; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper Court Letters of Administration of the Effects of such deceased Person, limited in such Manner and for such Time as to such Court shall seem fit.

CAP. CXXII.

An Act to continue the Corrupt Practices Prevention Act (1854).—[*6th* August 1861.]

17 & 18 Vict. c. 102.

21 & 22 Vict. c. 87.

23 & 24 Vict. c. 99.

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and amend the "Laws relating to Bribery, Treating, and undue Influence at "Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act, as so amended, has, by an Act of the Session holden in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Ninety-nine, been continued until the Tenth Day of *August* One thousand eight hundred and sixty-one, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

I. The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the First Day of *September* One thousand eight hundred and sixty-two, and to the End of the then next Session of Parliament. Duration of Act.

CAP. CXXIII.

An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of Victoria, *Chapter Seventy-two, Section Eighty-eight; and for other Purposes.*—[6*th* August 1861.] (Ireland.)

CAP. CXXIV.

An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes.—[6*th* August 1861.]

CAP. CXXV.

An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business.—[6*th* August 1861.] (England.)

CAP. CXXVI.

An Act to exempt the Volunteer Forces of Great Britain *from the Payment of Tolls.*—[6*th* August 1861.]

WHEREAS Doubts have arisen how far the Exemption from Tolls granted to Officers and Soldiers by the Acts severally passed in the Third and Fourth Years of the late King *George* the Fourth for the general Regulation of Turnpike Roads in *England* and *Scotland* respectively, and by the several Acts heretofore 3 G. 4. c. 126. 4 G. 4. c. 49.

heretofore passed for punishing Mutiny and Desertion, and for better Payment of the Army and their Quarters, may be extended to Officers and Soldiers serving in Volunteer Corps: And whereas it is expedient that such Doubts should be removed, and the Exemption of Volunteers from Tolls should be more fully defined: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Horses and Carriages, &c. of Volunteers exempted.

I. No Dues, Duties, Pontage, or Toll from which Officers and Soldiers on their March or Duty, or the Horses of any Officer or Soldier on March or on Duty, are exempted by the Provisions of the recited or any other Acts, shall be demanded or taken at any Pier, Wharf, Quay, or Landing Place, or at any Turnpike or other Gate, Bar, or Bridge, for any Volunteer Officer or Soldier, or for any Horse or other Beast used or ridden by any Volunteer Officer or Soldier on his March or on Duty, or going to or returning from any Place appointed for and on the Days for Exercise, Inspection, or Review, or on other Public Duty, such Volunteer Officer or Soldier being in the Uniform of his Corps, or for any Cart, Waggon, or Carriage whatsoever, whether public or private, or for any Horse or other Beast drawing the same, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any such Volunteer Officer or Soldier on his March or on Duty, or going to or returning from any Place appointed for and on the Days for Exercise, Inspection, or Review, or other public Duty, and being in the Uniform of his Corps, or the Arms or Baggage of any such Volunteer Officer or Soldier, or any Ordnance or Barrack or Commissariat Stores belonging to or for the Use of Her Majesty's Volunteer Forces; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses or other Beasts, Carts, Waggons, Carriages, Arms, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, or Vessels are liable thereto, or prevent Toll being taken for conveying the said Persons, Horses or other Beasts, Carts, Waggons, or Carriages, Arms, Baggage, or Stores, upon any Railway.

Penalty for demanding Tolls from Volunteers, &c.

II. Any Toll Collector or other Person who shall take, demand, or receive any Dues, Duties, Pontage, or Toll for or in respect of any Volunteer Officer or Soldier, Horse or other Beast, Carriage, Waggon, or Cart, entitled to Exemption under this Act, shall forfeit and pay for every Offence a Sum not exceeding Five Pounds.

Penalty for personat-

III. Any Person who shall falsely and fraudulently personate or

or represent himself to be a Volunteer Officer or Soldier with the Intent to evade Payment of any Dues, Duties, Pontage, or Toll to which he would otherwise be liable, shall forfeit and pay for every Offence a Sum not exceeding Five Pounds. ing Volunteers, &c.

IV. All Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed shall be levied and recovered and applied in *England* and *Scotland* respectively in Manner severally directed by the said recited Acts, or any Act or Acts respectively amending the same for the Time being in force. Recovery and Application of Penalties.

V. This Act shall not to extend to *Ireland*. Extent of Act.

CAP. CXXVII.

An Act for limiting and regulating the Treasury Chest Fund.—[6*th* August 1861.]

CAP. CXXVIII.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), *relating to the Districts of* Plymouth, Weston-super-Mare, Llanelly *and* Llandilo; *and for other Purposes in relation thereto.*—[6*th* August 1861.]

CAP. CXXIX.

An Act to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy.—[6*th* August 1861.]

CAP. CXXX.

An Act for amending an Act passed in the last Session of Parliament to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions

Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.—[6th August 1861.]

WHEREAS by an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, there are vested in the Justices of the Peace in General Quarter Sessions assembled certain Powers of licensing Places for making and keeping Gunpowder, Percussion Caps, Ammunition, and other explosive Substances, and for granting Licences to Persons to sell Fireworks: And whereas it is expedient that all Powers of licensing by the said Act given to the Justices in Quarter Sessions should be transferred to the Justices in Petty Sessions assembled: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

23 & 24 Vict. c. 139.

Transfer of licensing Powers.

I. All Powers of granting Licences by the said Act given to Justices of the Peace at their General Quarter Sessions shall be transferred to and vested in the Justices in Petty Sessions assembled, and the Justices shall hold Special Petty Sessions of the Peace in their several Divisions for granting such Licences at such Times as they think expedient; and all Powers thereby transferred shall be exercised by the Justices in Petty Sessions assembled within their respective Divisions in the same Manner in which the same are by the said Act required to be exercised by the Justices at their General Quarter Sessions, or as near thereto as Circumstances will admit.

Table of Fees.

II. The Justices in each Petty Sessional Division may, with the Sanction of One of Her Majesty's Principal Secretaries of State, regulate the Mode in which Applications for Licences under this Act are to be made, and make a Scale of Fees to be charged in respect of such Licences.

Construction of Act.

III. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine.

Section 18. of recited Act to apply to

IV. And whereas it is necessary for the Manufacturers of Safety Fuzes to have and keep for the Purpose of such Manufacture large Quantities of Gunpowder: Be it enacted, That such Manufacturers

Manufacturers shall be within and subject to all the Provisions of the Eighteenth Section of the said recited Act, in like Manner as the Manufacturers of Cartridges, Fireworks, and Rockets; and further, that it shall be lawful for such Manufacturers of Safety Fuzes to keep exclusively for the Use of such Manufacture the respective Quantities of Gunpowder mentioned in the Nineteenth Section of the said Act, in like Manner as the same may be kept for the Use of any Mine, Quarry, or Colliery, but subject to all the Restrictions and Conditions mentioned and provided in the said Section. Manufacturers of Safety Fuzes.

CAP. CXXXI.

An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in England, *and further to amend certain Acts relating to the Ecclesiastical Commissioners for* England.—[*6th* August 1861.]

CAP. CXXXII.

An Act for consolidating and amending the Law relating to Industrial Schools in Scotland.—[*6th* August 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

I. This Act may be cited for all Purposes as "The Industrial Schools (*Scotland*) Act, 1861." Short Title.

II. This Act shall extend to *Scotland* only. Limits of Act.

III. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation of Terms.

"Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any such Industrial School as is herein-after mentioned:

 "Parent"

"Parent" shall include any Person legally liable to maintain a Child:

"Magistrate" shall include any Sheriff, Sheriff Substitute, or Justice of the Peace of a County, or Judge in a Police Court, and any Provost or Baillie of a City or Burgh.

Certified Industrial Schools.

Mode of certifying Industrial Schools.

IV. Her Majesty's Secretary of State for the Home Department, herein-after referred to as the Secretary of State, may, upon the Application of the Managers of any School in which industrial training is provided, and Children are fed as well as taught, and in which Provision for clothing and lodging Children shall have been made to an Extent deemed requisite by the Person appointed as after mentioned, appoint such Person as he may think fit to examine into the Condition of the School, and to report to him thereon; and if satisfied with such Report, he may by Writing under his Hand certify that such School is fitted for the Reception of such Children as may be sent there, in pursuance of this Act, and shall cause a Copy of the Certificate to be sent to the Sheriff Clerk and to the Clerk of the Peace of the County or Ward thereof, and to the Town Clerk of every Burgh within such County in which the School is situate; but no School shall be certified under this Act and also under the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act for the better Care and Reformation of youthful Offenders in* Great Britain.

Withdrawal of Certificate by Secretary of State.

V. Every Industrial School that has been certified under this Act, herein-after referred to as "a certified Industrial School," shall from Time to Time, and at least once in each Year, be inspected by a Person to be appointed by the Secretary of State; and it shall be lawful for the Secretary of State, if dissatisfied with the Condition of such School as reported to him, by Notice under his Hand, addressed to the Managers of such School, to declare that the Certificate is withdrawn, from and after a Day to be specified in such Notice, not less than Two Months after the Date thereof.

Notice of Withdrawal.

VI. Any such Notice as aforesaid may be served on the Managers of such School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the said School, or at the usual or last known Place of Abode of any Manager, or of the authorized Secretary, and a Copy of the Notice shall be sent to the Clerk of the Peace of the County or Ward thereof in which the School is situate, and to the Town Clerk of every Burgh within such County; and any School on the Managers of

of which such Notice has been served shall from and after the Day therein specified cease to be a certified Industrial School within the Meaning of this Act.

Local Reformatories may receive youthful Offenders and Vagrant Children.

VII. Where in any City, Town, or Place there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Eighty-six, "for the better Care and Reformation of youthful Offenders in *Great Britain*," or the Act of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Eighty-seven, to amend the said recited Act, or under any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

Resignation of Certificate by Managers.

VIII. The Managers of any certified Industrial School may, upon giving Six Months previous Notice of their Intention so to do, in Writing under the Hand of One or more of them, or of the authorized Secretary, require the Secretary of State to withdraw the Certificate given to such School, and accordingly, at the Expiration of Six Months from the Date of the Notice, such Certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more Children under this Act; but the Managers of a certified Industrial School shall not, except in manner provided by this Section, have Power, without the Consent of the Secretary of State, expressed in Writing, to withdraw from the Obligation of educating, clothing, lodging, and feeding any Children that at the Time of the giving such Notice may be in the School under any Order granted in pursuance of the Provisions of this Act, until the Certificate be withdrawn, or until such Children be removed to some other Industrial School by an Order of the Secretary of State; and if such Managers make default in so doing, they, or such of them as fail therein, shall each of them incur a Penalty not exceeding Five Pounds for each Default, to be recovered in a summary Manner before any Magistrate having Jurisdiction in the Place where such School is situate.

Admission of Children to and their Status at School.

Description of Children

IX. Children of the Descriptions herein-after mentioned may be

Children liable to be sent to School.

be sent to certified Industrial Schools in pursuance of the Provisions of this Act; that is to say,

1. Any Child apparently under the Age of Fourteen Years found begging or receiving Alms, or being in any Street or public Place for the Purpose of begging or receiving Alms:
2. Any Child apparently under the Age of Fourteen Years that is found wandering, and not having any Home or settled Place of Abode or proper Guardianship, or any visible Means of Subsistence, or that frequents the Company of reputed Thieves:
3. Any Child apparently under the Age of Twelve Years who, having committed an Offence punishable by Imprisonment or some less Punishment, ought nevertheless, in the Opinion of the Magistrate, regard being had to his Age and to the Circumstances of the Case, to be sent to an Industrial School:
4. Any Child under the Age of Fourteen Years whose Parent represents that he is unable to control him, and that he desires such Child to be sent to an Industrial School, in pursuance of this Act, and who at the same Time gives such Undertaking or other Security as may be approved by the Magistrate before whom he is brought, in pursuance of this Act, to pay all Expenses incurred for the Maintenance of such Child at School: Provided that no Child who, on being brought before the Magistrate, is proved to have been previously sentenced to Imprisonment for any Period of more than Thirty Days, shall be deemed to be within the Provisions of this Act.

Power to Magistrates to send Children to School.

X. Any Person, whether a Constable or not, may bring before a Magistrate any Child that is herein-before declared to be liable to be sent to an Industrial School; and the Magistrate shall make full Inquiry into all the Facts of the Case, and if satisfied on such Inquiry that this Act applies to such Child, and that it is expedient to deal with him under its Provisions, may, by Writing under his Hand, order the Child to be sent, for such Period as he may think necessary, for his Education and Training, to any certified Industrial School, whether situate within his Jurisdiction or not, the Managers of which are willing to receive such Child; subject to this Qualification, that it shall be the Duty of the Magistrate to select, if possible, an Industrial School conducted in accordance with the Religious Persuasion to which the Parent of the Child appears to him to belong: Provided also, that the Magistrate shall have Power, while Inquiry is being made respecting such Child, or respecting a School to which he may be sent, to order him to be taken to the Poorshouse belonging

ing to the Parish or Combination in which such Child has been found, or where there is no such Poorshouse, or where it is at an inconvenient Distance, to such other Place, not being a Prison, as he may appoint, and to be detained therein, at the Cost of such Parish or Combination, for any Time not exceeding Seven Days, or until an Order shall be made, previous to the Expiration thereof, for the Discharge of such Child, or for his being sent to a certified Industrial School, as herein-before provided, and such Child shall be so detained accordingly by the Keeper of such Poorshouse, or by such other Person as such Order shall be addressed to.

Lodging, &c. Child at School.

XI. The Managers of every such certified Industrial School may, at their Discretion, permit any Child sent there in pursuance of this Act to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, so that they educate, feed, and clothe the Child in all respects as if he were lodging in the School itself, and that they report to the Secretary of State in such Manner as he shall require every Instance in which they exercise a Discretion under this Section.

Children not to be sent to Schools to which Parents, &c. object.

XII. If the Parent or Guardian or nearest surviving Relative of any Child who may have been sent to or whom it may be intended to send to an Industrial School, under the Provisions of this Act, shall certify to the Magistrate by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order, that they object to such Child being sent to or detained in the School named or about to be named, and shall name another School or Institution in *Great Britain*, duly certified as aforesaid, and shall signify their Desire that such Child may be sent thereto, and shall prove that the Managers thereof are willing to receive such Child, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the certified School on which the Order shall be about to be made or shall have been made, and in case the Removal shall take place from one such School to another, then to pay the whole Expense, such Magistrate shall direct such Child to be sent to such last-mentioned School or Institution accordingly : Provided always, that if any such Child who shall have become chargeable to any Parish, and shall, under the Provisions of this Act, be sent from *Scotland* to any School out of *Scotland*, might have been removed from *Scotland* under the Provision of the Eighth and Ninth of Queen *Victoria*, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such Child has become chargeable, had he or she not been sent out of *Scotland* under the Provisions of this Act, the Chargeability on such Parish

As to Settlement and Chargeability of Children sent from Scotland to any School out of Scotland.

Parish for such Child shall, on his or her being so sent out of *Scotland*, cease and determine.

Child chargeable to Parish to be sent to Parochial Industrial School, if any.

XIII. In the Case of any Child chargeable at the Time to any Parish, or who has been so chargeable within Three Months preceding, if there shall be in such Parish an Industrial certified School maintained by the Parochial Board thereof, and if the Inspector of the Poor of such Parish shall certify to the Magistrate who may be about to make an Order for sending such Child to a certified Industrial School, or, where such Order has been made, within Fourteen Days of the Day of making the same, that he requires such Child to be sent to the certified Industrial School in such Parish maintained by the Parochial Board thereof, such Magistrate shall direct such Child to be sent to such last-mentioned School accordingly, the Inspector of the Poor defraying the Expense of conveying such Child thither.

Limitation of Stay at School.

XIV. No Child shall in pursuance of this Act be detained against his Consent in any certified Industrial School after he has attained the Age of Fifteen Years.

Discharge of Child from School.

XV. The Secretary of State may from Time to Time, by Writing under his Hand, remove any Child sent to an Industrial School in pursuance of this Act from one certified Industrial School to another, so that the whole Period of the Detention of such Child at Industrial Schools be not thereby increased: He may also, in like Manner, discharge any Child from an Industrial School, either absolutely or upon Condition of the Parent of such Child or any other Relation undertaking to educate, clothe, and feed him, or entering into such other Undertaking as the Secretary of State may require.

Power to discharge from School before Expiry of Period of Attendance.

XVI. It shall be lawful for any Magistrate, on the Application of the Parents or of the Directors or Managers of any certified Industrial School to which any such Child may have been transmitted, under the Provisions of this Act, or of the Inspector of the Poor of the Parish in the first instance or ultimately liable for his or her Support, if satisfied that a suitable Employment has been provided for the Child, or, in the Case of any Child falling under the Class specified in Paragraph Four of the Ninth Clause hereof, on default of the Parent to make Payment of the Expenses of the Cost of such Child's Maintenance at School, or if he shall otherwise see Cause, to discharge such Child from such School before the Expiry of the Period for which he may have been sent there.

Power to make Rules, &c.

XVII. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act; but no such Rules, Orders,

Orders, or Byelaws shall be enforced until they have been submitted to and approved by the Secretary of State.

Maintenance of Children at School.

Maintenance of Child at School.

XVIII. The Commissioners of Her Majesty's Treasury, upon the Representation of the Secretary of State, may defray, out of Monies provided by Parliament for the Purpose, the whole Cost of the Maintenance of any Children sent to School, in pursuance of this Act, except such Children as are sent to School in pursuance of this Act at the Desire of their Parents, and on their Representation that they are unable to control them, at such Rate *per* Head as may be determined by him, or such Portion of the Cost as may not be recovered from the Parent of the Child in Manner herein provided, or such other Portion as the Secretary of State may recommend.

Order for Payment of Maintenance.

XIX. The Magistrate by whom any Child is sent to School in pursuance of this Act, or any Magistrate having Jurisdiction within the District where the School is situate to which any Child is sent in pursuance of this Act, or in which the Parent of such Child shall reside, upon an Application made by any Person appointed by the Secretary of State for that Purpose, or by any Agent of such Person, shall have Authority to make an Order on the Parent of such Child either at the Time of the Child being first sent to School, or at any Time during his Continuance at School, for the Payment of the Expenses of his Maintenance at School to an Amount not exceeding Five Shillings for every Week during which the Child remains at such School, and such Order shall be held to be and shall have all the effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week; and under the Warrant for Arrestment therein contained, and which such Magistrate is hereby authorized to grant when he sees fit, it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach not only the Wages due and payable to the Defender at the Date thereof, but also the Wages current for the Week or other Term or Period in the Course of which such Arrestment is executed, any Law or Statute to the contrary notwithstanding; and the Provisions of the Act of the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Eighty-three, for the Punishment of Parents deserting their Children, or refusing or neglecting to maintain them, shall be held and deemed and are hereby directed to be applicable to the Case of Parents refusing or neglecting to pay the Amount so charged upon such Parents as aforesaid.

XX. The

Variation of Order.

XX. The Order made by the Magistrate may specify the Time during which the Parent is to pay the Sums thereby directed to be paid, or it may be indefinite, and until further Order; and any Magistrate having Jurisdiction to make such Order may from Time to Time vary the same whenever Circumstances require it, on the Application either of the Parent or of any Person appointed by the Secretary of State to receive the Money, or by the Agent of such Person, on Fourteen Days Notice being first given of such Application to such Person or his Agent, or to such Parent, respectively.

Case of Child chargeable to Parish.

XXI. Where any Child sent to an Industrial School in pursuance of this Act then is, or within Three Months of the Time of his being so sent has been chargeable to any Parish, the Parochial Board and Inspector of the Poor of the Parish shall, as long as he continues so chargeable, be liable to repay to the Commissioners of Her Majesty's Treasury all Expenses incurred in maintaining such Child at School in pursuance of this Act, to an Amount not exceeding Five Shillings *per* Week, and in default of Payment such Expenses may be recovered by any Person appointed by the Secretary of State, or by his Agent, in a summary Manner, before any Magistrate having Jurisdiction in the Place in which the Parish is situated: Provided always, that nothing in this Act contained shall be construed to prevent any Parochial Board on whose Funds the Cost of Support of any such Child as aforesaid shall have become a Charge from adopting such Steps for his or her Removal as may be competent to them under the Provisions of the Eighth and Ninth *Victoria,* Chapter Eighty-three.

Absconding from School.

Penalty on Child absconding.

XXII. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or before being duly discharged, wilfully absconds from the School to which he is sent in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the Regulations thereof, any Magistrate having Jurisdiction in the Place in which the School is situate or in which the Child is retaken may, by Writing under his Hand, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Magistrate thinks fit; or, instead of sending him back to such last-mentioned School, the Magistrate may commit him under the Provisions of the Act of the Session of the Seventeenth and Eighteenth Years of *Victoria,* Chapter Eighty-six, to any Reformatory School certified under the said Act.

XXIII. Any

XXIII. Any Person who directly or indirectly withdraws a Child from the certified Industrial School to which he has been sent previously to his attaining the Age of Fifteen Years, or before being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence incur a Penalty not exceeding Five Pounds, or shall be liable, at the Discretion of the Magistrate, to be imprisoned for any Period not exceeding Twenty Days. Penalty on inducing Child to abscond.

Recovery of Penalties.

XXIV. Penalties may be recovered under this Act by summary Complaint, at the Instance of the Person or Persons entitled to sue therefor, before any Magistrate having Jurisdiction in the Place where the Party complained on resides, or in which the Act for which the Penalty has been incurred was committed, according to the Form of Procedure provided by the Eighty-first Section of the Act of the Session of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, for the Recovery of the Penalties thereby imposed, and such Magistrate shall have and may exercise all and the like Powers as are conferred on the Sheriff for that Purpose by the said Act. Mode of recovering Penalties.

Evidence.

XXV. Whenever the Secretary of State grants a Certificate to or withdraws it from any Industrial School, in pursuance of this Act, he shall cause a Notice of such Grant or Withdrawal to be published in the *Edinburgh Gazette* within One Calendar Month, and such Publication shall be sufficient Evidence of the Fact in all Proceedings before Justices and other Courts. Evidence of School being certified.

XXVI. The Order made by the Magistrate sending any Child to a certified Industrial School shall be forwarded to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child. Evidence of Order of Justices.

XXVII. Whenever it is necessary to prove that any Industrial School is duly certified under this Act, the Production of an attested Copy of the Certificate or of the Notice published in the *Edinburgh Gazette* shall be sufficient Evidence thereof; and the Production of the Order under which any Child has been sent to or is detained in any certified Industrial School under this Act, or a Copy of such Order, with a Memorandum signed by One of the Managers or their authorized Secretary, or by the Superintendent or Master or Matron of any such School, that the Child named in such Order was duly received into Evidence of Certificate of School, Identity of Child, and making of Orders.

into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of any Order made under this Act, or a Copy thereof, certified by the Clerk to the Magistrate to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures of the Magistrates or other Persons appearing to have signed the same respectively.

Forms.

Use of Form in Schedule.

XXVIII. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Form in the Schedule to this Act annexed, or any Form to the like Effect, may be used in the Case to which it refers, and when used shall be deemed sufficient.

Repeal of Acts.

Acts herein named repealed.

XXIX. There shall be repealed the Acts herein-after mentioned; that is to say,

1. An Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-four, intituled *An Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of vagrant Children:*
2. An Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Twenty-eight, intituled *An Act to make further Provision for rendering Reformatory and Industrial Schools in* Scotland *more available for the Benefit of vagrant Children:*

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Order made under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

Application of Act to existing certified Schools.

XXX. This Act shall apply to all Schools certified under the Acts hereby repealed or either of them, and to all Children sent to any Industrial School under the Acts hereby repealed or either of them, in the same Manner in all respects as if such Certificate had been given or Children been sent under the Provisions

Provisions of this Act, with this Qualification, that no Child shall be detained at any Industrial School in pursuance of any Order made under the repealed Acts for a longer Period than he would have been detained if this Act had not passed.

XXXI. This Act shall continue in force until the First Day of *January* One thousand eight hundred and sixty-four, and no longer. Continuance of Act.

SCHEDULE.

Form (A).

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of the certified Industrial School at :

Whereas a certain Child named *A.B.* was this Day brought before me, One of Her Majesty's Justices of the Peace for the County of [*or as the Case may be*] under the Provisions of the Industrial Schools Scotland Act, 1861: Now therefore I, the said , being satisfied that the said Act applies to such Child, and that it is expedient to deal with him [*or* her] under its Provisions, order you the said Constable in pursuance of the said Act to take the said Child, and him [*or* her] safely convey to the certified Industrial School at aforesaid, and there to deliver him [*or* her], together with this Order; and I do hereby command you the said Managers to receive the said Child into your Charge in the said School, and there to detain, educate, clothe, and feed him [*or* her] for the Period of from the Date hereof.

Given under my Hand, this Day of at in the County aforesaid.

[*Signature of Magistrate.*]

Form (B.)

FORM (B.)

Order on Parent for Payment towards the Maintenance of the Child.

The Sheriff [*or as the Case may be*] having considered the Complaint of *E.F.*, duly authorized by One of Her Majesty's Principal Secretaries of State, made under the "Industrial Schools (Scotland) Act, 1861," and having heard Parties thereon [*or as the Case may be* in absence of *C.D.*, *designing him*, duly cited, but not appearing], pursuant to Section 16. of the said Act, decerns the *C.D.*, complained on, weekly and every Week from the Day of to pay to the said *E.F.*, or to such Person as the said *E.F.* may from Time to Time authorize to receive the same, the Sum of Shillings for the Maintenance, Clothing, Education, Care, and Training of *A.B.*, Son [*or as the Case may be*] of the said *C.D.*, now detained in the certified Industrial School of under an Order by of Date until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School, and grants Warrant of Arrestment to be executed by any Constable or Messenger at Arms.

Given under my Hand, this Day of
at in the County aforesaid.

[*Magistrate's Signature.*]

CAP. CXXXIII.

An Act to amend the Law relating to the Drainage of Land for Agricultural Purposes.—[6*th* August 1861.]

This Act to apply to England only.

CAP. CXXXIV.

An Act to amend the Law relating to Bankruptcy and Insolvency in England.—[6*th* August 1861.]

LOCAL

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the THIRD Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

24° & 25° VICT.

i. AN Act to repeal the Act of the Third Year of the Reign of Her present Majesty, entitled *An Act for more effectually repairing and improving the Road from* Edenfield Chapel *to* Little Bolton, *and certain Branch Roads connected therewith, all in the County Palatine of* Lancaster; and to confer other Powers in lieu thereof.

ii. An Act to grant further Powers to the *Bristol and South Wales Union* Railway Company with reference to their Capital and Borrowing Powers; to extend the Periods limited for Completion of the Works; to amend the Act relating to the Company; and for other Purposes.

iii. An Act to consolidate the Capital Stock or Shares of "The City of *Dublin* Steam Packet Company;" and for other Purposes.

iv. An Act for conferring on the Local Board of Health for the District of *Wallasey* further Powers for raising Money; for the Acquisition of *Seacombe Ferry;* and for incorporating the said Board; and for other Purposes.

v. An Act to continue the *Biddenden* Turnpike Trust in the County of *Kent;* and for other Purposes.

vi. An Act to repeal the Act for more effectually repairing and improving the Road from the West End of *Gainsburgh Bridge* to *East Retford* and to *Gringley-on-the-Hill* in the County of *Nottingham*, and to make other Provisions in lieu thereof.

vii. An Act for authorizing the Corporation of the Borough of *Preston* to establish and regulate Markets and Fairs, to erect a Town Hall, an Exchange, and Public Offices, and make new Streets in *Preston;* and for other Purposes.

viii. An Act to authorize the Consolidation into One Undertaking

taking of the *Inverness and Nairn* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong.

ix. An Act for making a Railway from *Blackpool* in the County of *Lancaster* to *Lytham* in the same County.

x. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to raise additional Money; and for other Purposes.

xi. An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to make a Deviation in their authorized Railway; and for other Purposes.

xii. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money, and to increase their Subscription to the Undertaking of the *Charing Cross* Railway Company.

xiii. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to widen their *Minsterley* Branch; and for other Purposes.

xiv. An Act to enable the Corporation of the City of *Bristol* to purchase *Durdham Down*, and to secure *Durdham Down* and *Clifton Down* as Places for public Recreation.

xv. An Act for enabling the *Exeter and Exmouth* Railway Company to regulate their Capital, to raise further Capital; and for other Purposes connected with their Undertaking.

xvi. An Act to authorize the making of a Railway in *Scotland*, to be called the *Strathspey* Railway.

xvii. An Act to enable the *Oswestry and Newtown* Railway Company to construct additional Lines of Railway to *Llanfyllin* and *Kerry* in the County of *Montgomery;* and for other Purposes.

xviii. An Act to enable the *Inverness and Aberdeen Junction* Railway Company to construct a Branch Railway from their *Alves* Station to the Town and Harbour of *Burghead;* to provide additional Station Accommodation at *Inverness;* and for other Purposes.

xix. An Act to repeal an Act of the Eleventh Year of the Reign of King *George* the Fourth, for improving several Roads and making certain new Roads in the Counties of *Devon* and *Somerset* leading to and from the Town of *Tiverton*, and for amending an Act of His present Majesty for repairing several Roads leading from and through the Town of *Wiveliscombe;* and to make other Provisions in lieu thereof.

xx. An Act to repeal an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing,*

repairing, improving, and maintaining in repair the Road from Brandlesome Moss Gate *in the Township of* Elton *to the* Duke of York *Public House in the Township of* Blackburn, *and a Branch Road therefrom, all in the County Palatine of* Lancaster; and to make other Provisions in lieu thereof.

xxi. An Act to enable the Borough of *Portsmouth* Waterworks Company to raise further Money; and for other Purposes.

xxii. An Act to enable the *Witney* Railway Company to make a Road to their Station at *Witney;* and for other Purposes.

xxiii. An Act to enable the Mayor, Aldermen, and Burgesses of *South Shields* to maintain a Quay there; and for other Purposes.

xxiv. An Act for incorporating the *Clitheroe* Gaslight Company; for the Regulation of their Capital; and for other Purposes.

xxv. An Act to repeal *An Act for more effectually amending the Road from* Oldham *in the County of* Lancaster *to* Ripponden *in the County of* York, *and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith*, and to make other Provisions in lieu thereof, so far as regards the said Road from *Oldham* to *Ripponden*, and the other roads already made in connexion therewith.

xxvi. An Act to repeal the Act of the 7th Year of His late Majesty King *George* III., Chapter 111, and to make better Provision for the managing of certain Lands in the County of *Westmoreland* called *Kendal Fell* Lands.

xxvii. An Act for extending the Term and amending the Provisions of the Act relating to the *Kingston-upon-Thames and Leatherhead* Turnpike Road in the County of *Surrey*.

xxviii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway from *Ossett* to join the *London and North-western* Railway at or near *Batley*, all in the West Riding of the County of *York;* and for other Purposes.

xxix. An Act to divert certain Portions of the Railway from *Kilrush* to *Kilkee*, and to deepen and improve the Creek or Harbour of *Kilrush*.

xxx. An Act to enable the *Morayshire* Railway Company to extend their Railway to the *Strathspey* Railway; and for other Purposes.

xxxi. An Act for authorizing the *Stratford-upon-Avon* Railway Company to raise additional Capital; and for other Purposes.

xxxii. An Act for making a Railway from *Wrexham* to *Minera*, and for other Purposes.

xxxiii. An

xxxiii. An Act to amend "The *Dewsbury, Batley, and Heckmondwike* Waterworks Act, 1856;" and to authorize the Construction of new Works; and for other Purposes.

xxxiv. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway from *Aintree* to *Bootle*, with certain Branch Railways, all in *Lancashire*; and for other Purposes relating to the same Company.

xxxv. An Act to authorize the Construction of a Railway between *Garston* and *Liverpool*, and for other Purposes.

xxxvi. An Act to define and increase the Capital of the *Great Western* Railway Company, and for other Purposes.

xxxvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to raise a further Sum of Money; and for other Purposes.

xxxviii. An Act to continue the existing Borrowing Power of *Price's* Patent Candle Company (Limited).

xxxix. An Act for lighting with Gas the Town and Neighbourhood of *Haslingden* in *Lancashire*.

xl. An Act to amend an Act passed in the Session of Parliament holden in the 11th and 12th Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for incorporating the* North of Scotland *Fire and Life Assurance Company, under the Name of the* Northern *Assurance Company; for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto;* and to vary, extend, and enlarge certain of the Powers of the said Company; and for other Purposes relating to the said Company.

xli. An Act for better lighting with Gas the Borough of *Swansea* and the Neighbourhood thereof.

xlii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to make new and widen existing Streets within the Borough; and for other Purposes.

xliii. An Act to amend and extend the Acts relating to the *Newcastle-under-Lyme Marsh* Lands; to incorporate the Trustees under the said Acts; and for other Purposes.

xliv. An Act for making a Railway from the *London and North-western* Railway at *Nantwich* in the County of *Chester* to *Market Drayton* in the County of *Salop*.

xlv. An Act for better supplying with Water the Borough of *Neath* and the adjacent District in the County of *Glamorgan*.

xlvi. An Act for authorizing the *Dartmouth and Torbay* Railway Company to raise further Monies; and for other Purposes.

xlvii. An

xlvii. An Act to incorporate the *Northampton* Waterworks Company; to enable them to better supply the Town of *Northampton* and the several Townships and Places adjacent thereto with Water; and for other Purposes.

xlviii. An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of *Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield*, and *Stanwardine-in-the-Fields*, and of certain other Lands adjoining or near thereto, all situate in the County of *Salop*.

xlix. An Act to authorize the Mayor, Aldermen, and Burgesses of *Kilkenny* to make a General Market in the City of *Kilkenny;* and for other Purposes.

l. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Branch Railways to *Dewsbury, Heckmondwike*, and *Meltham;* to purchase additional Lands at *Rochdale* and *Miles Platting;* and for other Purposes.

li. An Act for making a Railway from the *Taff Vale* Railway in the Parish of *Lantwit Vardre* in the County of *Glamorgan* to *Llantrissant* in the same County, with Branches therefrom, to be called "The *Llantrissant and Taff Vale Junction* Railway;" and for other Purposes.

lii. An Act to abolish and dismarket *Newgate Market* in the City of *London*, and to facilitate the Removal of Shambles and Slaughter-houses and other Nuisances and Obstructions in the Vicinity of the said Market, and to authorize the Erection of Dwelling Houses or Shops or other Buildings on the Site thereof; and for other Purposes.

liii. An Act to incorporate a Company for supplying Gas to *Uxbridge* and certain Places in the Neighbourhood of the same.

liv. An Act for enabling the *West Cornwall* Railway Company to create Debenture Stock; and for other Purposes.

lv. An Act for better supplying with Water *Sandown, Lake, Shanklin, Brading, Newchurch, Ryde*, and other Places in the Parishes of *Brading, Shanklin*, and *Newchurch*, and the several Parishes and Places adjacent thereto, in the *Isle of Wight* and County of *Southampton;* and for other Purposes.

lvi. An Act for dissolving and re-incorporating the *Huddersfield* Registered Gaslight Company, and for conferring upon them further Powers for the Supply of Gas to the Borough of *Huddersfield*, and certain neighbouring Townships and Places.

lvii. An Act to enable the *Midland* Railway Company to make new Railways; and for other Purposes.

lviii. An Act to enable the *Ryde* Commissioners to better

supply with Water the Town of *Ryde* and the Places adjacent thereto, in the *Isle of Wight;* and for other Purposes.

lix. An Act for maintaining certain Roads and Bridges in the County of the Borough and Town of *Berwick-upon-Tweed* and Counties of *Northumberland* and *Berwick*, and for the Liquidation of the Debt due on the Security of the Tolls taken on the said Roads and Bridges.

lx. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to construct a Branch Railway to join the *Birstal* Branch of the *London and North-western* Railway at *Batley* in the West Riding of the County of *York;* and for other Purposes.

lxi. An Act for incorporating the *Universal* Private Telegraph Company, and to enable the said Company to work certain Letters Patent.

lxii. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to extend their Railway from *Frizington* to *Lamplugh* in the County of *Cumberland;* to widen and enlarge their present Railway and Works; to raise further Capital; and for other Purposes.

lxiii. An Act for authorizing the *Stockton and Darlington* Railway Company to make and maintain a new Branch Railway, and to abandon the making of one of their authorized Branch Railways; and for other Purposes.

lxiv. An Act to authorize the entire Abandonment of the *Bangor* Branch of the *Belfast and County Down* Railway.

lxv. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway: and for other Purposes.

lxvi. An Act for the Enlargement and Regulation of the *Manchester London Road* Station, and for other Purposes.

lxvii. An Act to enable the *Great Northern and Western (of Ireland)* Railway Company to extend their Railway to *Westport;* and for other Purposes.

lxviii. An Act for supplying with Gas the Township of *Elland-cum-Greetland* and adjacent Places in the Parish of *Halifax* in the West Riding of the County of *York*, and for other Purposes.

lxix. An Act to enable the *Portadown, Dungannon, and Omagh Junction* Railway Company to make a Branch Railway to *Aughnacloy* in the County of *Tyrone;* to amend the Acts relating to the Railway; and for other Purposes.

lxx. An Act to vest in the *Great Northern* Railway Company the *Hertford, Luton, and Dunstable* Railway, and for other Purposes relating to the same Company.

lxxi. An Act to authorize the Construction of Bridges over Highways

Highways and Arches under a Turnpike Road and Highways in the Parishes of *Wolstanton* and *Audley* in the County of *Stafford*, and for other Purposes.

lxxii. An Act to authorize the making of a Railway from the *Stockton and Darlington* Railway at or near the *Frosterly* Station to *Newlandside* near *Stanhope*, with a Road Approach from *Stanhope*, all in the County of *Durham;* and for authorizing Working Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

lxxiii. An Act for making a Railway from *Uxbridge* in the County of *Middlesex* to *Rickmansworth* in the County of *Hertford*, with a Branch to *Scott's Bridge Mill*, to be called "The *Uxbridge and Rickmansworth* Railway," and for other Purposes.

lxxiv. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to raise further Money; and for other Purposes.

lxxv. An Act for the *Manchester and Wilmslow* Turnpike Roads in the Counties Palatine of *Lancaster* and *Chester*.

lxxvi. An Act for making and maintaining of the *Henley-in-Arden* Railway, and for other Purposes.

lxxvii. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water in the adjoining Townships of *Cockerton, Blackwell, Whessoe*, and *Haughton-le-Skerne;* to enlarge Market Place, erect a covered Market, make and improve Roads; to vest in the Local Board all the Powers of the Burial Board; to raise additional Money; to levy and alter Tolls and Rates; and amend Acts relating to the Local Board; and for other Purposes.

lxxviii. An Act to make further Provision for the Draining, Warping, and Improvement of *Thorne Moor* in the West Riding of *Yorkshire*.

lxxix. An Act for authorizing the Dock Company at *Kingston-upon-Hull* to make and maintain an additional Dock at *Kingston-upon-Hull* (to be called the Western Dock), and a Railway to connect the same with the *Hull and Selby* Railway; to alter a Part of the Line of the *Hull and Selby* Railway, and to construct other Works at *Kingston-upon-Hull;* for amending the Acts relating to the Company; for granting more effectual Powers for the Regulation and Management of their Docks; and for other Purposes.

lxxx. An Act for incorporating the *Sowerby Bridge* Gas Company; for enabling the Company to raise further Capital; for better supplying *Sowerby Bridge* and the Neighbourhood thereof with Gas; and for authorizing the Sale of the Undertaking

taking of that Company, and also of the Rights and Powers of the *Sowerby Bridge* Gas Consumers Company (Limited); and for other Purposes.

lxxxi. An Act to grant further Powers to the *Victoria* Station and *Pimlico* Railway Company, with reference to their Share and Loan Capital; and to sanction certain Agreements with the *Great Western* and *London, Chatham, and Dover* Railway Companies; and for other Purposes.

lxxxii. An Act to authorize the Construction of a Bridge across the River *Clwyd*, to be called "The *Rhyl Bridge*."

lxxxiii. An Act to enable the Right Honourable *William* Earl of *Lonsdale* to make and maintain a Dock or Tidal Basin at *Workington* in the County of *Cumberland*, and a Railway therefrom to join the *Whitehaven Junction* Railway; and for other Purposes.

lxxxiv. An Act to enable the *Edinburgh and Glasgow* Railway Company to raise additional Capital.

lxxxv. An Act for incorporating the *Scottish* Widows Fund and Life Assurance Society, and for other Purposes relating thereto.

lxxxvi. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make new Railways in the Counties of *Derby* and *Lincoln*; to improve their Station at *Ardwick*; and for other Purposes.

lxxxvii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Aylesbury* and to *Oxford*; and for other Purposes.

lxxxviii. An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road leading from* Ealand *to the town of* Leeds *in the West Riding of the County of* York; and granting more effectual Powers in lieu thereof.

lxxxix. An Act for making a Railway from *Banbridge* to *Ballyroney*, with a Branch Railway therefrom to *Rathfriland*, to be called "The *Banbridge Extension* Railway," and for other Purposes.

xc. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works authorized by the "*Llanidloes and Newtown* Railway (Canal Extension) Act, 1859," and to authorize the *Llanidloes and Newtown* Railway Company to raise additional Capital; and for other Purposes.

xci. An Act to amend the Acts relating to the River *Tyne*; and to enable the *Tyne* Improvement Commissioners to construct Docks and other Works, and to remove and rebuild the Bridge

Bridge of *Newcastle-upon-Tyne;* to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.

xcii. An Act to empower *Bonelli's* Electric Telegraph Company (Limited) to acquire and work Letters Patent relating to Electric Telegraphs; and for other Purposes.

xciii. An Act for authorizing the *Charing Cross* Railway to make a Line of Railway from their authorized Line into the City of *London*, with an additional Line in *Southwark*, and to raise further Monies; and for other Purposes.

xciv. An Act to extend the Limits of the *Dewsbury and Batley* Gas Company to Part of the Township of *Thornhill;* to authorize the said Company to raise more Money; to amend their Act; and for other Purposes.

xcv. An Act for the Incorporation of the *Burton-upon-Trent* Waterworks Company, and for authorizing them to supply with Water the Town of *Burton-upon-Trent* and the Township of *Barton-under-Needwood* and the Neighbourhoods thereof; and for other Purposes.

xcvi. An Act to enable the *Dunblane, Doune, and Callander* Railway Company to create Preference Shares; and for other Purposes.

xcvii. An Act for incorporating the *Whitworth Vale* Gas Company (Limited), and extending their Powers, and for other Purposes.

xcviii. An Act to enable the *Blyth and Tyne* Railway Company to make a Railway from their Main Line of Railway to *Newcastle-upon-Tyne* and certain Branch Railways in the County of *Northumberland;* to grant further Powers to the Company; to amend the Acts relating to the Company; and for other Purposes.

xcix. An Act to enable the *Limerick and Foynes* Railway Company to raise further Sums.

c. An Act for paving, draining, cleansing, lighting, and otherwise improving the District comprised within the Boundaries of the Township of *Middleton* in the Parish of *Middleton*, and the Township of *Tonge* in the Parish of *Prestwich-cum Oldham*, both in the County of *Lancaster;* and for other Purposes.

ci. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway between *Salford* and the *Victoria* Station at *Manchester;* and for other Purposes relating to the same Company.

cii. An Act for making a Railway from the *Hawick* Line of the *North British* Railway near *Galashiels* to *Peebles*, and for other Purposes.

ciii. An

ciii. An Act for making Railways from the *Oswestry and Newtown* Railway near *Montgomery* to *Bishop's Castle* and other Places in the County of *Salop*.

civ. An Act to enable the Burial Board of the Parish of *Liverpool* to acquire certain lands at *Walton-on-the-Hill* in *Lancashire*.

cv. An Act to enable the *Kingstown* Waterworks Company to abandon a Portion of their Authorized Works, and to construct and maintain other Works; and for other Purposes.

cvi. An Act for enabling the *Midland* Railway Company to construct Works and to acquire additional Lands in the Counties of *Derby*, *Lancaster*, *Nottingham*, *Warwick*, and *Gloucester*, and the West Riding of the County of *York*; for vesting in them the Undertaking of the *Dursley and Midland Junction* Railway Company; and for other Purposes.

cvii. An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway in *Youghal*; and to amend the Acts relating to the Company.

cviii. An Act for incorporating "The *East India* Irrigation and Canal Company;" and for other Purposes connected therewith.

cix. An Act for better supplying with Gas the Townships of *Atherton*, *Bedford*, *Pennington*, *Tyldesley-cum-Shackerley*, *West Leigh*, and other Places in the County of *Lancaster*.

cx. An Act for enabling the *London and North-western* Railway Company to construct new Railways from near *Stockport* to *Northenden* Road near *Cheadle*, and from *Chelford* to *Knutsford*, with Branches therefrom respectively; and for other Purposes.

cxi. An Act for making Railways between the *London and South-western* Railway at *Alton*, *Alresford*, and the Railway of the *London and South-western* Railway Company near to *Winchester*, and for other Purposes.

cxii. An Act for erecting a Suspension Bridge from *Clifton* in the City and County of *Bristol* to the Parish of *Long Ashton* in the County of *Somerset*.

cxiii. An Act for authorizing the *Cheshire Midland* Railway Company to make a Deviation of their authorized Line of Railway; and for authorizing Working and other Arrangements between them and the *Manchester, Sheffield, and Lincolnshire* Railway Company; and for other Purposes.

cxiv. An Act to provide for the leasing of the *Peebles* Railway to the *North British* Railway Company.

cxv. An Act for the building of a new Church in the Township of *Shireoaks* in the Parish of *Worksop* in the County of *Nottingham*; and for other Purposes.

cxvi. An Act for granting further Powers to the *Weston-super-Mare*

Mare Gaslight Company, and for extending their Limits for supplying Gas.

cxvii. An Act to incorporate a Company for making a new Bridge from *Lambeth* to *Westminster*.

cxviii. An Act for transferring from the Grand Jury of the County of *Dublin* to the Commissioners of *Kingstown* the Management of the Roads and Bridges in the said Town, and for better improving the same.

cxix. An Act for making and maintaining a Railway from *Wivenhoe* to *Brightlingsea*, both in the County of *Essex*, and for other Purposes.

cxx. An Act for making a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Eastergate* in the County of *Sussex* to *Bognor;* and for other Purposes.

cxxi. An Act to increase the Capital and amend the Powers of the *Portsea Island* Gaslight Company.

cxxii. An Act for making a Railway from the *Ulster* Railway near *Lisburn* to the *Belfast and Northern Counties* Railway at *Antrim*, to be called "The *Dublin and Antrim Junction* Railway," and for other Purposes.

cxxiii. An Act for enabling the *London and North-western* Railway Company to acquire additional Lands in connexion with their *Chester and Holyhead* Railway; for renewing certain Powers as to Steamboats; and for other Purposes.

cxxiv. An Act to empower the *Penarth* Harbour, Dock, and Railway Company to raise a further Sum of Money; to make a Road between their Harbour and *Cardiff;* and for other Purposes.

cxxv. An Act for authorizing the Abandonment of the *Thames Haven* Dock and the Dissolution of the Company, and for other Purposes.

cxxvi. An Act for altering the Constitution of the *Westminster* Improvement Commission; for the compulsory Purchase of Lands and the Completion of the Improvements; for facilitating the Sale, Exchange, and Lease of Lands discharged from Incumbrances; and for winding up the Affairs of the Commission; Borrowing Power; and for other Purposes.

cxxvii. An Act to enable the *Sittingbourne and Sheerness* Railway Company to raise additional Capital; to alter, amend, and repeal some of the Provisions of the Acts relating to the Company; and for other Purposes.

cxxviii. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Edgehill* to near *Bootle*, from *Winwick* to *Golborne*, and from *Aston* to *Ditton*, with a Branch to *Runcorn;* to enlarge their *Lime Street* and *Wapping* Stations at *Liverpool;* and for other Purposes.

cxxix. An

cxxix. An Act to authorize the Construction of a Railway in *Ireland*, to be called "The *Downpatrick and Newry* Railway."

cxxx. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Eccles* through *Tyldesley* to *Wigan*, with a Branch to *Bedford* and *Leigh*; and for other Purposes.

cxxxi. An Act to authorize the *Fife and Kinross* Railway Company to raise additional Capital.

cxxxii. An Act to empower the *North London* Railway Company to widen a Portion of their Railway; and for other Purposes.

cxxxiii. An Act to authorize the *Metropolitan* Railway Company to make certain Improvements in their Communication with the *Great Northern* Railway and the *Metropolitan* Meat Market at *Smithfield*; to authorize the Purchase of additional Lands for Purposes connected with that Railway: to authorize Arrangements with the Corporation of *London*, and with certain Railway Companies; for amending the Acts relating to the Company; and for other Purposes.

cxxxiv. An Act for vesting the *Birkenhead* Railway in the *London and North-western* Railway Company and the *Great Western* Railway Company, and for other Purposes.

cxxxv. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between the *North Yorkshire and Cleveland* Railway at *Castleton* and the *Whitby and Pickering* Railway; to make a Deviation in and abandon Part of the last-mentioned Railway: to acquire additional Lands; and for other Purposes.

cxxxvi. An Act to authorize the *South Staffordshire* Railway Company to raise additional Capital: and for other Purposes.

cxxxvii. An Act for more effectually supplying Water to several Towns and Places in *Essex* by a Company to be called "*South Essex* Waterworks Company."

cxxxviii. An Act for making a Railway from the *Londonderry and Enniskillen* Railway in the County of *Tyrone* to the Town of *Bundoran* in the County of *Donegal*, and for other Purposes.

cxxxix. An Act to enable the *Midland* Railway Company to make Railways from the *Leeds* and *Bradford* Line of their Railway to *Otley* and *Ilkley* in the West Riding of the County of *York*; and for other Purposes.

cxl. An Act to provide for the future Election of Commissioners, to confirm certain Acts of the present Commissioners, and to consolidate in One Act the various Provisions for the Management and Regulation of the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*.

cxli. An

cxli. An Act to enable the *North-eastern* Railway Company to construct Branch Railways between *Arthington*, *Otley*, and *Ilkley*; and for other Purposes.

cxlii. An Act to authorize the Construction of a Railway from the *Great Southern and Western* Railway near *Parsonstown* to *Portumna Bridge* on the River *Shannon*, and for other Purposes.

cxliii. An Act for incorporating the *West Cheshire* Railway Company, and for authorizing them to make and maintain Railways from *Northwich* to *Helsby*; and for other Purposes.

cxliv. An Act for reviving the Powers of the *Rhymney* Railway Company with respect to their *Bargoed Rhymney* Branch Railway, and for authorizing them to raise further Monies; and for other Purposes.

cxlv. An Act to incorporate the City of *Glasgow* Life Assurance Company, and for other Purposes.

cxlvi. An Act to enable the *Staffordshire Potteries* Waterworks Company to extend their Works, and to raise additional Capital; and to amend the Act relating to the said Company.

cxlvii. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Roscrea* in the County of *Tipperary* to *Birdhill* in the same County; and for other Purposes.

cxlviii. An Act to enable the *Great Southern and Western* Railway Company to raise further Sums; and to amend the Provisions of the Acts of that Company with respect to the Transfer of Stock; and to enable them to acquire certain Shares in the Undertaking of the *Limerick and Castle Connell* Railway Company, now held by the *Midland Great Western* Railway of *Ireland* Company, and to purchase additional Lands; and for other Purposes.

cxlix. An Act for the better Drainage of the *Greetwell* District in the County of *Lincoln*.

cl. An Act to enable the *Manchester and Milford* Railway Company to construct a Branch Railway from the *Devil's Bridge* to *Aberystwith*; and for other Purposes.

cli. An Act for extending the Limits within which the *Grand Junction* Waterworks Company may supply Water, and for other Purposes.

clii. An Act to confer additional Powers upon the *Wolverhampton* New Waterworks Company; and for other Purposes.

cliii. An Act to enable the *Great North of Scotland* Railway Company to enlarge their Stations at *Kittybrewster* and at *Aberdeen*, and to alter the Line and Levels of their Dock Branch.

cliv. An Act for incorporating the *Fylde* Waterworks Company;

and for authorizing them to make and maintain Waterworks, and to supply Water at *Kirkham*, *Lytham*, *Blackpool*, *Fleetwood*, *Poulton*, *Rossall*, *Garstang*, *Southshore*, and *Bispham* in the County Palatine of *Lancaster*, and to Shipping at *Fleetwood* and *Lytham*.

clv. An Act to make better Provision for supplying with Water the Town and Township of *Blackburn*, and the Townships of *Lower Darwen*, *Livesey*, *Witton*, *Oswaldtwistle*, and *Little Harwood*; and for other Purposes.

clvi. An Act to authorize the Construction in *Lincolnshire* of a Railway from the River *Trent* across the River *Ancholme* to the *Manchester*, *Sheffield*, *and Lincolnshire* Railway.

clvii. An Act for enabling the *Stockton and Darlington* Railway Company to raise additional Capital: and for other Purposes.

clviii. An Act for the Amalgamation of the *Leven* and *East of Fife* Railway Companies.

clix. An Act to enable the *Leven* and *East of Fife* Railway Companies to extend the *East of Fife* Railway to *Anstruther*.

clx. An Act for the draining of Lands in *Airedale*, adjoining and near to the River *Aire*, in the West Riding of the County of *York*; and for other Purposes.

clxi. An Act to enable the *Londonderry and Lough Swilly* Railway Company to extend their Railway to *Buncrana* in the County of *Donegal*.

clxii. An Act to authorize the *Swansea Vale* Railway Company to make certain new Railways; and for other Purposes.

clxiii. An Act to enable the *Dumfries*, *Lochmaben*, *and Lockerby Junction* Railway Company to divert their authorized Line of Railway; and for other Purposes.

clxiv. An Act for making a Railway from the *Great Western* Railway to *Hammersmith*, to be called "The *Hammersmith and City* Railway," and for other Purposes.

clxv. An Act to authorize the Construction of a Railway in the West Riding of *Yorkshire*, to be called "The *Barnsley Coal* Railway."

clxvi. An Act for the Enlargement, Regulation, and Management of "The *Citadel* Station" at *Carlisle*, situate at the Junction of the *Lancaster and Carlisle* and the *Caledonian* Railways, and for other Purposes.

clxvii. An Act to authorize the Construction of a Railway from the *Berks and Hants Extension* Railway to *Marlborough* in *Wiltshire*.

clxviii. An Act for making a Railway from the *Limerick and Foynes* Railway to the Town of *Newcastle* in the County of *Limerick*, to be called "The *Rathkeale and Newcastle Junction* Railway," and for other Purposes.

clxix. An

clxix. An Act for the Extension of the *South Yorkshire* Railway across the *Trent* near *Keadby* in *Lincolnshire*, and for granting further Powers to the *South Yorkshire* Railway and River *Dun* Company.

clxx. An Act for better supplying with Gas the Borough of *Wigan* and other Places adjacent thereto in the County Palatine of *Lancaster*.

clxxi. An Act to grant further Powers to the *Waveney Valley* Railway Company as to their Capital.

clxxii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of *Dublin* to construct additional Waterworks; and for other Purposes.

clxxiii. An Act for the further Improvement of the Borough of *Bolton*, and for other Purposes.

clxxiv. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Uckfield* in the County of *Sussex* to *Tunbridge Wells* in the County of *Kent*, and for other Purposes.

clxxv. An Act for incorporating the *Stockport, Timperley, and Altrincham* Railway Company, and for authorizing them to make and maintain the *Stockport, Timperley, and Altrincham* Railway; and for other Purposes.

clxxvi. An Act for altering and amending the Constitution of the Burgh of *Hawick;* extending the Boundaries thereof; maintaining an efficient System of Police therein; improving the said Burgh; and for other Purposes.

clxxvii. An Act to enable the *Kinross-shire* Railway Company to make certain Branch Railways; and for other Purposes.

clxxviii. An Act to authorize the Construction of a Railway from the *Eastern Counties* Railway to *Saffron Walden* in *Essex*.

clxxix. An Act for enabling the *Conway and Llanrwst* Railway Company to make a Deviation and Alteration of their authorized Line of Railway; and for other Purposes.

clxxx. An Act to grant further Powers to the *East Suffolk* Railway Company; to authorize certain Arrangements with respect to their Share Capital; and to amend the Acts relating to the Company.

clxxxi. An Act for making Railways from *Aberystwith* to various Places in the Counties of *Cardigan, Montgomery, Merioneth*, and *Carnarvon*, to be called "The *Aberystwith and Welsh Coast* Railways," and for other Purposes.

clxxxii. An Act for making a Railway from *Bishop Stortford* through *Dunmow* to *Braintree*, with a Branch therefrom, and for other Purposes.

clxxxiii. An Act to enable the *Cleveland* Railway Company to extend their Railway from *Guisbrough* to the River *Tees*, with

with Branches connected with that Extension, and to make certain Deviations in the authorized Line of their Railway; to confer certain Powers with reference to other Undertakings; to amend the Act relating to the *Cleveland* Railway; and for other Purposes.

clxxxiv. An Act to enable the *Forest of Dean Central* Railway Company to construct further Works; and for other Purposes connected with their Undertaking.

clxxxv. An Act to amend the *Hatfield Chase* Warping and Improvement Act, 1854.

clxxxvi. An Act for making a Railway from *Forres* to *Birnam* near *Dunkeld*, with a Branch to *Aberfeldy*, to be called "The *Inverness and Perth Junction* Railway;" and for other Purposes.

clxxxvii. An Act for making a Railway to be called "The *Ludlow and Clee Hill* Railway," and for other Purposes.

clxxxviii. An Act to enable the *Mersey* Docks and Harbour Board to purchase from the Corporation of *Liverpool* the Reversion in Fee of certain Leasehold Lands of the Board at *Birkenhead*; to extend the Period for the Completion of certain Works at *Birkenhead*; and to enable the Board to improve the working of the Docks and the loading and unloading of Vessels.

clxxxix. An Act for making Railways from *Much Wenlock* to the *Shrewsbury and Hereford* Railway, and a Railway from the *Much Wenlock and Severn Junction* Railway into *Coalbrookdale*, with Branches and Works connected therewith; to authorize certain Arrangements with and confer certain Powers upon other Companies; and for other Purposes.

cxc. An Act for making a Railway to improve the Communication between *Salisbury* and the Southern Part of the County of *Dorset*, and for other Purposes.

cxci. An Act for conferring further Powers on the *South-eastern* Railway Company with respect to Steam Vessels; and for enabling that Company to make Byelaws for regulating the *London and Greenwich* Railway; and for amending some of the Acts relating to the *South-eastern* Railway Company with respect to the Accounts to be kept by them; and for other Purposes.

cxcii. An Act to enable the *Vale of Clwyd* Railway Company to raise additional Capital.

cxciii. An Act to enable the *Ware, Hadham, and Buntingford* Railway Company to make a Deviation in the authorized Line of their Railway; and for other Purposes.

cxciv. An Act to authorize the Construction of a Railway from *Holme* to *Ramsey* in the County of *Huntingdon*.

cxcv. An

cxcv. An Act for making a Railway from the *Stirling and Dunfermline* Railway to the Town of *Alva*.

cxcvi. An Act to empower the *North London* Railway Company to construct a Railway from *Liverpool Street* in the City of *London* to join their existing Railway at *Kingsland;* and for other Purposes.

cxcvii. An Act for enabling the *Coleford, Monmouth, Usk, and Pontypool* Railway Company to lease their Undertaking to the *West Midland* Railway Company; and for other Purposes.

cxcviii. An Act for making a Railway from the *Glasgow, Dumbarton, and Helensburgh* Railway to *Milngavie*, and for other Purposes.

cxcix. An Act for making a Railway from *Lynn* to *Hunstanton*, all in the County of *Norfolk*.

cc. An Act to confer on the *Devon Valley* Railway Company further Powers for the Completion of their Railway; and for other Purposes.

cci. An Act to authorize the Amalgamation of the *Symington, Biggar, and Broughton* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

ccii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from *Rutherglen* to *Coatbridge*, with a Branch to *Whifflat;* and for other Purposes.

cciii. An Act for making a Railway from *Cockermouth* to *Keswick* and *Penrith*, with a Branch thereout, all in the County of *Cumberland;* and for other Purposes.

cciv. An Act for enabling the *Great Western* Railway Company to make and maintain a Railway from *Lightmoor* to *Coalbrookdale;* and for other Purposes.

ccv. An Act for making a Railway from *Kirkcudbright* to *Castle Douglas*, and for other Purposes.

ccvi. An Act to amend the *Birmingham* Improvement Act, 1851, and for other Purposes.

ccvii. An Act for making a Railway from the *Cork and Bandon* Railway near the City of *Cork* to the Town of *Macroom* in the County of *Cork*.

ccviii. An Act to empower the *London and North-western* Railway Company to make Railways at *Burton-upon-Trent;* to confer additional Powers upon them with reference to Parts of their Undertaking; and for other Purposes.

ccix. An Act for extending the Periods for the Purchase of Lands and the Execution of Works for the *Somerset Central* Railway Company's authorized Railway from *Glastonbury* to *Bruton;* for authorizing the *Somerset Central* Railway Company to raise further Monies; and for other Purposes.

ccx. An

ccx. An Act to enable the *South Wales Mineral* Railway Company to extend their Railway to the *Briton Ferry* Docks; and for other Purposes.

ccxi. An Act for better supplying with Water the Borough of *Stockport* in the Counties of *Chester* and *Lancaster*, and the several Townships and Places adjacent or near thereto in those Counties; and for other Purposes.

ccxii. An Act for authorizing the Construction of Railways from the *Severn Valley* Railway to the *West Midland* Railway near *Kidderminster*, and the leasing of the *Wellington and Severn Junction* Railway by the *Great Western* and *West Midland* Railway Companies: and for other Purposes.

ccxiii. An Act for making a Railway from the *West Midland* Railway at *Bransford Bridge* in the County of *Worcester* to the *Shrewsbury and Hereford* Railway near *Leominster* in the County of *Hereford*, and for other Purposes.

ccxiv. An Act to enable the *Edinburgh, Perth, and Dundee* Railway Company to make Byelaws for their Piers, Basins, and Works at *Ferry-port-on-Craig* and *Broughty*, and the Ferry between *Ferry-port-on-Craig* and *Broughty*; to vest the *Burntisland and Granton* Ferry in the Company; to construct Siding Accommodations and Works for Supply of Water; to amalgamate the *Kinross-shire* Railway with their Undertaking: and for other Purposes.

ccxv. An Act to repeal and consolidate the several Acts relating to the *Cornwall* Railway Company; to empower them to make a Deviation Railway; to extend the Time for Completion of Parts of their Railway; and for other Purposes.

ccxvi. An Act for granting further Powers to the *Victoria Docks* Gas Company.

ccxvii. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

ccxviii. An Act for authorizing the *Monmouthshire* Railway and Canal Company to make and maintain new Lines of Railway and Deviations, and to acquire other Railways, and for authorizing them to raise additional Capital; and for other Purposes.

ccxix. An Act for authorizing a Lease or Sale of the Railway of the *Saint George's* Harbour Company to the *London and North-western* Railway Company; and for reducing and regulating the Capital of the *Saint George's* Harbour Company; and for other Purposes.

ccxx. An Act for making a Railway between the *London and South-western* Railway at or near to that Railway at *Saint Denis*

Denis near *Southampton*, and the Military Hospital at *Netley*, and for other Purposes.

ccxxi. An Act for extending the *Stourbridge* Railway to the *Birmingham, Wolverhampton, and Stour Valley* Railway at *Smethwick*, and for making a Branch Railway in connexion with the *Stourbridge* Railway; for authorizing Arrangements with other Companies; and for other Purposes.

ccxxii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking.

ccxxiii. An Act for making a Railway from the *Oswestry and Newtown* Railway at *Oswestry* to the *London and North-western* Railway at *Whitchurch* in the County of *Salop*, and for other Purposes.

ccxxiv. An Act to extend and deviate a Portion of the *Petersfield* Railway.

ccxxv. An Act to enable the Society or Partnership called "The *Westminster* Society for Insurance of Lives and Survivorships and for granting Annuities" to make Provision for satisfying the Liabilities and Engagements of the said Society or Partnership; to confirm an Agreement entered into between the said Society or Partnership and the Society or Partnership called "The *Guardian* Fire and Life Assurance Company;" to dissolve the said *Westminster* Society; and to authorize the Distribution among the Members thereof of so much of the Capital of the said *Westminster* Society as shall not be required for the Purpose of satisfying the Liabilities and Engagements thereof.

ccxxvi. An Act to amalgamate the *West of Fife Mineral* Railway Company and the *Charleston* Railway and Harbour Company.

ccxxvii. An Act for authorizing the *Rumney* Railway Company to alter the Line and Levels of their existing Railway, and to make and maintain new Railways in connexion therewith; and for other Purposes.

ccxxviii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Lesmahagow* Line to *Cot Castle* near *Stonehouse;* to extend the *Southfield* Branch of that Line; to enlarge their Station at *Symington;* and for other Purposes.

ccxxix. An Act to enable the *Caledonian* Railway Company to extend their *Cleland* Branch to *Morningside*, and to make Branch Railways to *Omoa* Iron Works, to *Drumbowie*, and to *Lanridge*, all in the County of *Lanark*.

ccxxx. An Act to enable the *Forth and Clyde Junction* Railway Company to make a Branch Railway to *Dalmonach* Printworks

Printworks in the County of *Dumbarton*, and to create additional Shares; and for other Purposes.

ccxxxi. An Act to enable the *Eastern Counties* Railway Company to make new Lines of Railway: and for other Purposes.

ccxxxii. An Act to enable the *Kilkenny Junction* Railway Company to abandon the Portion of their authorized Line between *Abbeyleix* and *Mountrath*, and instead thereof to make new Lines to the *Maryborough* Station and to the *Roscrea* Junction on the *Great Southern and Western* Railway; and for other Purposes.

ccxxxiii. An Act for extending the *Metropolitan* Railway from *Smithfield* to *Finsbury Circus*; to authorize Arrangements with other Companies: to amend the Acts relating to the *Metropolitan* Railway; and for other Purposes.

ccxxxiv. An Act for increasing the Capital of and conferring further Powers on the *West London Extension* Railway Company; and for other Purposes.

ccxxxv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make certain new Lines of Railway; and for other Purposes.

ccxxxvi. An Act for establishing a separate System of Pilotage for the several Ports of *Cardiff*, *Newport*, and *Gloucester*, in the *Bristol Channel*.

ccxxxvii. An Act to increase the Capital of the *Colne Valley and Halstead* Railway Company, and for other Purposes.

ccxxxviii. An Act for providing and constructing Markets, Market Places, and Slaughterhouses, with all necessary Conveniences, within the Parishes of *Saint Mary* and *Saint Bridget* in the City of *Dublin*.

ccxxxix. An Act to authorize a Lease of the *Margate* Railway to the *London, Chatham, and Dover* Railway Company, and for other Purposes.

ccxl. An Act to enable the *London, Chatham, and Dover* Railway Company to make certain Deviations and Junction Lines of Railway; and for other Purposes.

ccxli. An Act to enable the *Margate* Railway Company to extend their Railway to *Ramsgate*; to change their Name; and for other Purposes connected with their Undertaking.

ccxlii. An Act to authorize the Construction in the County of *Glamorgan* of a Railway from the *Vale of Neath* Railway to the *South Wales* Railway at *Swansea*, to be called "The *Swansea and Neath* Railway."

ccxliii. An Act for making a Railway to connect *Chard* and *Taunton* in the County of *Somerset*, and for other Purposes.

ccxliv. An Act to regulate the mutual Facilities to be afforded to Traffic by the *West Hartlepool* Harbour and Railway Company

Company and by the *Stockton and Darlington, South Durham and Lancashire Union*, and *Eden Valley* Railway Companies; to give further Powers to the *West Hartlepool* Harbour and Railway Company with reference to the Management of their Docks and Works; and for other Purposes.

ccxlv. An Act to authorize the Construction of a Railway from the *East Anglian* Railways at *Lynn* to the *Norwich and Spalding* Railway at *Sutton Bridge*, and for other Purposes.

ccxlvi. An Act for making Railways from *Clara* to *Meelick* in the *King's County, Ireland*, and for building a Bridge across the *Shannon* at *Meelick*.

ccxlvii. An Act for making a Railway from the *Mold* Branch of the *Chester and Holyhead* Railway at *Mold* to the *Vale of Clwyd* Railway, to be called "The *Mold and Denbigh Junction* Railway;" and for other Purposes.

ccxlviii. An Act for making a Railway from *Lennoxtown of Campsie* to *Strathblane*, with a Branch to *Lettermill* in the County of *Stirling*, and for other Purposes.

ccxlix. An Act to enable the *West Hartlepool* Harbour and Railway Company to raise further Money; to amend the Acts relating to the Company; and for other Purposes.

PRIVATE ACTS

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to incorporate the Trustees of "The *Atkinson Institution* of *Glasgow*," acting under the Will of *Thomas Atkinson*, Bookseller and Stationer, of *Glasgow*, deceased, and to enlarge the Powers of such Trustees, the better to enable them to carry out the benevolent Designs of the said Testator.
2. An Act to extend the Powers of Leasing contained in the Will of the Right Honourable *John Savile Lumley Savile* Earl of *Scarbrough* deceased, with respect to certain Estates in the County of *York*, thereby devised, and therein called the *Savile York* Estates; and for other Purposes; and of which the Short Title is "*Savile* Estate (Leasing) Act, 1861."
3. An Act for authorizing the Application for the Maintenance and Benefit of the Children of Sir *Beresford Burston*

M'Mahon Baronet of certain Monies by the Will of Sir *William M'Mahon* Baronet, deceased, directed to be accumulated during the Life of Sir *Beresford Burston M'Mahon*.

4. An Act to authorize the Most Noble *George Granville William* Duke and Earl of *Sutherland* and *Anne* Duchess of *Sutherland* to disentail the Estate of *Cromarty*, and to grant a new Entail thereof.
5. An Act to enable the Trustees of the Will of the late Sir *William Fowle Fowle Middleton* to carry into effect certain Contracts affecting his Estates in *London* and *Middlesex*.
6. An Act for the Amendment of an Act of the Parliament of *Ireland* of the Session of the 19th and 20th Years of *George* the Third, incorporating the Trustees of the Hospital founded by *George Simpson*, Esquire, and for confirming Leases granted by the Trustees.
7. An Act for confirming Leases granted by Sir *Richard Godin Simeon* Baronet, deceased, and Sir *John Simeon* Baronet, respectively, of Parts of the *Saint John's* Estate in the Parish of *Saint Helens* in the *Isle of Wight*; and for other Purposes; and of which the Short Title is "Sir *John Simeon's* Leasing Act, 1861."
8. An Act to simplify certain of the Trusts and Provisions in the Settlements of the *Vane Tempest* Estates, and for other Purposes connected therewith.
9. An Act to authorize the granting of Building and Repairing Leases of Parts of the Estates devised and bequeathed by the Will of the Right Honourable *George* Earl of *Egremont* deceased, or become subject to the Trusts thereof; and for other Purposes.
10. An Act for enabling Trustees to raise Money on Mortgage of the *Hemsworth* Estates in the Counties of *Suffolk* and *Norfolk*, and for giving Powers of Sale and Exchange over the same Estates.

INDEX.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Administration of Justice. *See* Ascertainment of the Law, &c. Coinage Offences. Conjugal Rights. Corrupt Practices Prevention. Criminal Law Consolidation. Domicile of British Subjects Abroad. East India. High Court of Admiralty. Statute Law Consolidation. Statute Law Revision. Wills.

————————, Letters of; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, &c. . Cap. 92. 161

Admiralty; to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament . . . . Cap. 106. 223

————————, Court of; to extend the Jurisdiction and improve the Practice of the High Court of Admiralty . . . . Cap. 10. 3

Advances of Public Money; to authorize advances of, out of the Consolidated Fund for carrying on Public Works and Fisheries; for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes . . . Cap. 80. 104

Appointments (India); to confirm certain Appointments in India, and to amend the Law concerning the Civil Service . . Cap. 54. 82

Ascertainment of the Law of Foreign Countries, to afford Facilities for the better, when pleaded in Courts within Her Majesty's Dominions Cap. 11. 9

Assessments (Edinburgh); to declare the Limits within which increased Assessments are authorized to be raised in the City of Edinburgh, under the Provisions of the Act 23 & 24 Vict. c. 50. . Cap. 27. 41

———————— for Relief of the Poor; to simplify the Mode of raising the Assessment for the Poor in Scotland . . . Cap. 37. 46

Assessed Taxes. *See* Inland Revenue.

————————————; to amend the Laws relating to the Inland Revenue (Excise, Stamps, Land, Assessed and Income Taxes) . . Cap. 91. 143

————————————; to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties (Customs, Excise, Income Tax, &c.) . . Cap. 20. 20

Bonds and Mortgages; for facilitating the Transfer of, granted by Railway Companies in Scotland . . . . . Cap. 50. 80

Boundaries of Burghs; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70.) . . . . Cap. 36. 44

British White Herring Fishery; to make further Provision for the Regulation of the British White Herring Fishery in Scotland . Cap. 72. 100

Page

Burghs; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70.) . . . . . Cap. 36. 44
——— to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland . . . . . Cap. 107. 225

Carriage of Gunpowder, &c.; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and carriage of Gunpowder, and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks, ... Cap. 130. 248
Carriages; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives, and on the Waggons and Carriages drawn or propelled by the same . . . Cap. 70. 93
Children in Lace Factories; to place the Employment of Women, young Persons, Youths, and Children, in Lace Factories, under the Regulations of the Factories Acts . . . . . Cap. 117. 238
Civil Service; to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there . . . . Cap. 54. 82
Civil Services. *See* Public Works
Coinage Offences; to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin . . . Cap. 99. 178
Combination of Parishes; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor . . . . . Cap. 18. 17
Conjugal Rights; to amend the Law regarding Conjugal Rights . . . Cap. 86. 131
Consolidation of the Statute Law; to repeal certain Enactments which have been consolidated in several Acts of the Session 1861 relating to indictable Offences, &c. . . . . Cap. 95. 163
Copyright of Designs; to amend the Law relating to . . . . Cap. 73. 102
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) . . . . Cap. 122. 244
County Voters; to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111
Criminal Law Consolidation; to repeal certain Enactments which have been consolidated in several Acts of the Session 1861 relating to indictable Offences, &c. . . . . Cap. 95. 163
——— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin . . . . Cap. 99. 178
Customs, &c.; to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties . . . . . Cap. 20. 20

Designs, Copyright of; to amend the Law relating to the Copyright of Designs . . . . . Cap. 73. 102
Dissolution of Combinations of Parishes. *See* Poor.
Divorce, Actions for. *See* Conjugal Rights.
Domicile of British Subjects abroad, &c.; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions . . . . . Cap. 121. 242
Docks at Leith. *See* Leith Harbour and Docks.
Duties, Rates, and Taxes. *See* Assessments. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties.

East India; to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there . . . Cap. 54. 82
——— to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India . . . . . Cap. 25. 38
Edinburgh; to declare the Limits within which increased Assessments are

Page

authorized to be raised in the City of, under the Provisions of the Act 23 & 24 Vict. c. 50. . . . . Cap. 27. 41

Edinburgh University, &c.; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith under the Act 1 & 2 Vict. c. 55. Cap. 90. 139

Elections, Parliamentary; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102). . . . . Cap. 122. 244

——— to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111

Employment of Women, &c.; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts . . . . . Cap. 117. 238

Excise; granting to Her Majesty certain Duties of Excise [Spirits, &c.] Cap. 21. 30

——— to continue certain Duties of Inland Revenue for the Service of Her Majesty, and alter and repeal certain other Duties . Cap. 20. 20

———; to amend the Laws relating to the Inland Revenue (Excise; Stamps; Land, Assessed, and Income Taxes) . . . Cap. 91. 143

Explosive Substances. *See* Fireworks.

Factories; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts Cap. 117. 238

Fireworks; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . . . . . Cap. 130. 248

Fisheries; to make further Provision for the Regulation of the British White Herring Fishery in Scotland . . . . Cap. 72. 100

Foreign Countries, Law of; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions . . . . . Cap. 11. 9

Foreigners, &c. *See* Domicile, &c.

Furnaces, Smoke from; to amend the Act 20 & 21 Vict. c. 73. for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland Cap. 17. 17

Government of India. *See* East India.

Gratuitous Trustees; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees . . . Cap. 84. 130

Gunpowder, &c.; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . . . . . Cap. 130. 248

Harbours, &c.; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c. . . . . Cap. 47. 56

——— to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland . . Cap. 45. 49

——— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for Facilitating the Construction and Improvement of Harbours; and for other Purposes . . . . Cap. 80. 105

——— *See also* Leith Harbour and Docks; Portpatrick Harbour.

Herring Fisheries: to make further Provision for the Regulation of the British White Herring Fishery in Scotland . . Cap. 72. 100

High Court of Admiralty, to extend the Jurisdiction and improve the Practice of the . . . . . Cap. 10. 3

Page

Husband and Wife; to amend the Law regarding Conjugal Rights Cap. 86. 131

Income Tax; to amend the Laws relating to the Inland Revenue [Excise; Stamps; Land, Assessed, and Income Taxes] . . Cap. 91. 143
India. *See* East India.
Indictable Offences. *See* Criminal Law Consolidation.
Industrial Schools; for amending and consolidating the Law relating to Cap. 132. 249
Inland Revenue; to amend the Laws relating to the Inland Revenue [Excise; Stamps; Land, Assessed, and Income Taxes] . . Cap. 91. 143
——————— to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties [Customs, Excise, Income Tax, &c.] . . Cap. 20. 20
Inventories, Duties on. *See* Stamp Duties, &c.

Judicature (Courts of); for establishing High Courts of Judicature in India Cap. 104. 223
Justice, Administration of. *See* Ascertainment of the Law, &c. Coinage Offences. Conjugal Rights. Corrupt Practices Prevention. Criminal Law Consolidation. Domicile of British Subjects abroad. East India. High Court of Admiralty. Statute Law Consolidation. Statute Law Revision. Wills.

Lace Factories; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts . . . . . Cap. 117. 238
Land Tax; to amend the Laws relating to the Inland Revenue, Excise, Stamps, Land, Assessed, and Income Taxes . . Cap. 91. 143
Law of Foreign Countries; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions . . . . . Cap. 11. 9
Legacy Duty. *See* Stamp Duties
Leith Harbour and Docks; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, under the Authority of the Act 1 & 2 Vict. c. 55. Cap. 90. 139
Letters of Administration; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions . . . . . Cap. 92. 161
Lists of Voters; to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111
Loan (East Indian); to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India . . . . . Cap. 25 38
Locomotives; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same . Cap. 70. 93
Lord Clerk Register; to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland . Cap. 81. 110

Manufacture and Sale of Fireworks; to amend 23 & 24 Vict. c. 139, concerning the making, keeping, and Carriage of Gunpowder, and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . . . . . Cap. 130. 248
Mortgages and Bonds; for facilitating the Transfer of, granted by Railway Companies in Scotland . . . . . Cap. 50. 80
Municipal Boundaries; to amend the Boundaries of Burghs Extension Act Cap. 36. 44

Page

Nuisances; to amend the Act 20 & 21 Vict. c. 73, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland Cap. 17. 16

Offences; to repeal certain Enactments which have been consolidated in several Acts of the present Session, relating to indictable Offences and other Matters . . . . . Cap. 95. 163
Ordnance Survey: to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man . . . . . Cap. 65. 87

Parishes; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor . . Cap. 18 17
Parliamentary Elections; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102) . . . . . Cap. 122. 244
——— to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111
Parochial Schoolmasters; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters . . . . . Cap. 107. 225
Passing Tolls; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c. . . . . Cap. 47. 56
Personal Estate, to amend the Law with respect to Wills of, made by British Subjects . . . . . Cap. 114. 237
Piers and Harbours; to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland Cap 45. 49
Poor; to simplify the Mode of raising the Assessment for the Poor in Scotland . . . . . Cap. 37. 46
——— to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor . . Cap. 18. 17
——— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, &c. Cap. 80. 104
Portpatrick Harbour; to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament . . . . Cap. 106. 223
Post Office Savings Banks; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof . . . . . Cap. 14. 12
Probate Duties, &c.; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions Cap. 92. 161
Property and Income Tax; to amend the Laws relating to the Inland Revenue [Excise, Stamps, Land, Assessed, and Income Taxes] . Cap. 91. 143
Public Works, &c.; to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes . . . . . Cap. 80. 104

Railway Companies; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland . . Cap. 50. 80
Rates, Taxes, and Duties. *See* Assessments. County Cess. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties
Register (Lord Clerk) in Scotland; to repeal the Provisions in certain Acts relative to his Salary . . . . . Cap. 81. 110
Registration of Voters; to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111
Relief of the Poor. *See* Poor.
Repeal of Acts, &c. *See* Statute Law Consolidation. Statute Law Revision.

Page

Resignation, &c. of Trustees; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees . . Cap. 84. 130
Revision of the Statute Law; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force . . . . . Cap. 101. 194
Roads, Turnpike; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same Cap. 70. 93

Salary of the Lord Clerk Register; to repeal the Provisions in certain Statutes relative to the . . . . . Cap. 81. 110
Sale, &c. of Fireworks; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . . . . Cap. 130. 247
Savings Banks; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof . . . . . Cap. 14. 12
Schools, &c.; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland . . . . . Cap. 107. 225
——— for amending and consolidating the Law relating to Industrial Schools Cap. 132. 249
Scottish Herring Firsheries. *See* British White Herring Fishery
Smoke Nuisance; to amend the Act 20 & 21 Vict. c. 73, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland Cap. 17.
Spirits. *See* Excise.
Stamp Duties; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions Cap. 92. 161
———————— for granting to Her Majesty certain Duties of Excise and Stamps . . . . . Cap. 21. 30
Statute Labour Roads. *See* Turnpike Roads, &c.
Statute Law Consolidation; to repeal certain Enactments which have been consolidated in several Acts of the present Session relative to Cap. 95. 163
———————— ———— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin . Cap. 99. 178
Statute Law Revision; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force . . . . . Cap. 101. 194
Succession Duties. *See* Stamp Duties.
Survey (Ordnance); to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man . . . . . Cap. 65. 87

Taxes, Rates, and Duties. *See* Assessments. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties.
Test taken by Schoolmasters. *See* Parochial Schoolmasters.
Tolls; to exempt the Volunteer Forces of Great Britain from the Payment of . . . . . Cap. 126. 245
—— *See also* Turnpike Roads, &c.
Tramways; to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland . . . . . Cap. 69. 88
Transfer of Mortgages, &c.; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland . Cap. 50. 80
Trustees; to amend the Law relative to the Resignation, Powers, and Liabilities of gratuitous Trustees . . . . . Cap. 84. 130
Turnpike Roads; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same Cap. 70. 93

Page

Turnpike Roads; to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland . . . Cap. 69. 88
———————; to exempt the Volunteer Forces of Great Britain from the Payment of Tolls . . . . . Cap. 126. 245
University of Edinburgh; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh, &c. Cap. 90. 138
Volunteers; to exempt the Volunteer Forces of Great Britain from the Payment of Tolls . . . . . Cap. 126. 245
Voters; to amend the Law regarding the Registration of County Voters in Scotland . . . . . Cap. 83. 111

Waggons. *See* Locomotives.
White Herring Fishery; to make further Provision for the Regulation of the British White Herring Fishery in Scotland . . Cap. 72. 100
Wills and Domicile of British Subjects abroad, &c.; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions . . . . . Cap. 121. 242
Wills of Personalty by British Subjects; to amend the Law with respect to Wills of Personal Estate made by British Subjects . Cap. 114. 237
Women, &c., Employment of; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts . . . . . Cap. 117. 238
Works, Public; to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes . . . Cap. 80. 104

Young Persons; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts . . . . . Cap. 117. 238

INDEX

INDEX

TO

THE PUBLIC GENERAL ACTS,

24° & 25° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extends so far).

S.	,,	,,	,,	Scotland.
I.	,,	,,	,,	Ireland.
E. & I.	,,	,,	,,	England and Ireland.
G. B.	,,	,,	,,	Great Britain.
G. B. & I.		,,	,,	Great Britain and Ireland.
U. K.	,,	,,	,,	The whole of the United Kingdom.

	Cap.	Relating to
Abettors. *See* Accessories and Abettors.		
Abolition of Contributions by Counties. *See* Queen's Prison.		
Accessories and Abettors; to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences	94.	E. & I.
Accounts (Revenue Departments); to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Monies voted for the Revenue Departments	93.	G. B. & I.
Administration of Justice. *See* Accessories and Abettors. Ascertainment of the Law, &c. Bankrupcy and Insolventcy. Coinage Offences. Conjugal Rights. Corrupt Practices Prevention. Criminal Law Consolidation. Criminal Proceedings. Crown Suits. Domicile of British Subjects abroad. Drunkenness. East India. Forgery. High Court of Admiralty. Landlord and Tenant. Larceny. Malicious Injuries to Property. Oaths. Offences against the Person. Statute Law Consolidation. Statute Law Revision. Wills.		
Administration, Letters of; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, &c.	92.	G. B. & I.

	Cap.	Relating to
Administration, Letters of; to amend "The Probates and Letters of Administration Act (Ireland), 1857" (20 & 21 Vict. c. 79)	111.	I.
Admiralty; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon)	13.	E.
——— to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, and to embank Part of the River Medway, &c.	41.	E.
——— to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament	106.	S.
——— *See also* Government of the Navy.		
Admiralty, Court of; to extend the Jurisdiction and improve the Practice of the High Court of Admiralty	10.	U. K.
Advances of Public Monies. *See* Public Works.		
Affirmations. *See* Oaths.		
Agriculture, to amend the Law relating to the Drainage of Land for	133.	E.
Aids, Application of. *See* Consolidated Fund.		
Alice Maud Mary (Princess), to enable Her Majesty to settle an Annuity on Her Royal Highness	15.	U. K.
Allowances to Militia Officers. *See* Militia.		
Annoyance Jurors (Westminster); to repeal certain Enactments relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof	78.	E.
Annual Accounts (Revenue Departments); to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Monies voted for the Revenue Departments	93.	G. B. & I.
Annuities, &c., Transfer of; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities	3.	U. K.
——— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively	35.	E. & I.
Annuity to the Princess Alice; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary	15.	U. K.
Application of Aids. *See* Consolidated Fund.		
Appointments (India); to confirm certain Appointments in India, and to amend the Law concerning the Civil Service	54.	U. K.
Appropriation of Seats; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	112.	E.
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund to the Service of the Year 1861, and to appropriate the Supplies	103.	U. K.
——— to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of Monies voted for Revenue Departments	93.	G. B. & I.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	7.	U. K.
——— to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and		

	Cap.	Relating to
to provide in certain respects for the Rights of such Persons	74.	U. K.
Army; to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's British Forces serving in India	89.	U. K.
Arrangements for Relief of Turnpike Trusts. *See* Turnpike Roads, &c.		
Ascertainment of the Law of Foreign Countries, to afford Facilities for the better, when pleaded in Courts within Her Majesty's Dominions	11.	U. K.
Assessments (Edinburgh); to declare the Limits within which increased Assessments are authorized to be raised in the City of Edinburgh, under the Provisions of the Act 23 & 24 Vict. c. 50	27.	S.
Assessments for Relief of the Poor; to simplify the Mode of raising the Assessment for the Poor in Scotland	37.	S.
Assessed Taxes. *See* Inland Revenue.		
Asylums. *See* Lunatic Asylums.		
Attorneys and Solicitors; to amend the Laws relating to Attorneys and Solicitors in Ireland	68.	I.
Australian Colonies; to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies	52.	U. K.
——— to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia, &c.	44.	U. K.
Ballots for the Militia. *See* Militia.		
Bank of England; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities; and for other Purposes	3.	U. K.
——— ——— *See also* Bank of Ireland.		
Bank of Ireland; to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively, &c.	35.	E. & I.
Bankruptcy and Insolvency; to amend the Law relating to Bankruptcy and Insolvency in England	134.	E.
Barristers. *See* Revising Barristers.		
Bethlehem Hospital; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital	12.	E.
Bills of Exchange and Promissory Notes, to facilitate the Remedies on, by the Prevention of frivolous or fictitious Defences to Actions thereon	43.	I.
Bonds. *See* Mortgages and Bonds.		
Borough of Dublin; to amend the Dublin Improvement Act, 1849 (12 & 13 Vict. c. 97)	26.	I.
Boundaries of Burghs; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70)	36.	S.
Brighton. *See* Local Government.		
British Forces in India. *See* East India.		
British White Herring Fishery; to make further Provision for the Regulation of the British White Herring Fishery in Scotland	72.	S.
Bromsgrove. *See* Local Government.		

	Cap.	Relating to
Buildings (Metropolis); to amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122)	88.	E.
Burford Charities; for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford (Oxford)	22.	E.
Burghs; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70)	36.	S.
——— to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland	107.	S.
Capitular Estates. *See* Episcopal and Capitular Estates.		
Carriage of Gunpowder. *See* Gunpowder.		
Carriages, &c. See Locomotives.		
Charitable Uses; to amend the Law relating to the Conveyance of Land for	9.	E.
Charity Commission; for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford (Oxford)	22.	E.
——— for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading	23.	E.
——— for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick)	24.	E.
——— for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity," at Guildford (Surrey), &c.	32.	E.
Chatham Dockyard; to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, and to embank Part of the River Medway	41.	E.
Children. *See* Lace Factories.		
Civil Service; to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there	54.	U. K.
Civil Services. *See* Public Works.		
Coal and Wine Duties; to continue the Duties levied on Coal and Wine by the Corporation of London	42.	E.
Coinage Offences; to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin	99.	G. B. & I.
Collection of County Cess; to continue the Act 11 & 12 Vict. c. 32 relating to the Collection of County Cess in Ireland	58.	I.
Combination of Parishes; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor	18.	S.
Commissioners of Works. *See* Public Offices.		
Common Fund of Union. *See* Poor.		
Common Law Procedure; to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon	43.	I.
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	1.	E.
——————— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners	38.	E.
Conjugal Rights; to amend the law regarding Conjugal Rights	86.	S.
Consolidated Fund; to apply the Sum of £4,000,000 out of the Consolidated Fund to the Service of the Year 1861	2.	U. K.
——————— to apply the Sum of £3,000,000 out of the Consolidated Fund to the Service of the Year 1861	6.	U. K.

	Cap.	Relating to
Consolidated Fund; to apply the Sum of £10,000,000 out of the Consolidated Fund to the Service of the Year 1861	19.	U. K.
——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1861, and to appropriate the Supplies granted in the Session 1861	103.	U. K.
——— to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund	5.	U. K.
——— *See also* Public Works, &c.		
Consolidation of the Statute Law. *See* Criminal Law Consolidation.		
Contributions by Counties, for the Abolition of, for Relief of Prisoners in the Queen's Prison, &c.	12.	E.
Contributions by Parishes. *See* Irremoveable Poor.		
Conveyance of Land for Charitable Uses, to amend the Law relating to	9.	E.
Copy of Court Roll. *See* Ecclesiastical Leases.		
Copyright of Designs, to amend the Law relating to	73.	U. K.
Cork Infirmary; to authorize the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork	29.	I.
Cornwall, Duke of. *See* Crown Suits.		
Corporations (Municipal), for amending the Municipal Corporations Act (5 & 6 W. 4. c. 76)	75.	E.
Corrupt Practices Prevention; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)	122.	G. B. & I.
Councils (East Indies). *See* East Indies.		
Counties, Contributions by; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, &c.	12.	E.
County Cess; to continue the Act 11 & 12 Vict. c. 32 relating to the Collection of County Cess in Ireland	58.	I.
County Surveyors; to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors, and for other Purposes	63.	I.
County Voters, to amend the Law regarding the Registration of County Voters in Scotland	83.	S.
Criminal Law Consolidation; to repeal certain Enactments which have been consolidated in several Acts of the Session 1861 relating to indictable Offences, &c.	95.	G. B. & I.
——— to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences	94.	E. & I.
——— to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences	96.	E. & I.
——— to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property	97.	E. & I.
——— to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery	98.	E. & I.
——— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin	99.	G. B. & I.
——— to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person	100.	E. & I.
Criminal Proceedings; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings	66.	E. & I.

	Cap.	Relating to
Crown Suits Limitation; to amend the Act 9 Geo. 3. c. 16, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall	62.	G. B. & I.
Customs, &c.; to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties	20.	G. B. & I.
Dealers in old Metals, for regulating the Business of	110.	E.
Dean Forest, &c.; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein and in the Hundred of Saint Briavels	40.	E.
Declarations. *See* Oaths.		
Desertion. *See* Mutiny.		
Designs, Copyright of; to amend the Law relating to the Copyright of Designs	73.	U. K.
Disembodied Militia. *See* Militia.		
Dissolution of Combinations of Parishes. *See* Poor.		
Divorce, Actions for. *See* Conjugal Rights.		
Domicile of British Subjects abroad, &c.; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst Resident within Her Majesty's Dominions	121.	U. K.
Docks of Leith. *See* Leith Harbour and Docks.		
Drainage of Land; to amend the Law relating to the Drainage of Land for Agricultural Purposes	133.	E.
Drunkenness, to enable Justices in Ireland to commit to local Bridewells Persons convicted of	49.	I.
Dublin; to amend the Dublin Improvement Act, 1849 (12 & 13 Vict. c. 97)	26.	I.
—— to make Provision for Salaries for the Revising Barristers for the City of	56.	I.
Duchy of Cornwall. *See* Crown Suits.		
Durham. *See* Local Government.		
Durham University, for making Provision for the good Government and Extension of	82.	E.
Duties, Rates, and Taxes. *See* Assessments. Coal and Wine Duties. County Cess. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties.		
Dwellings for the Labouring Poor; to extend the Provisions of the Acts to facilitate the Improvement of Landed Property, and to further provide for the Erection of Dwellings for the Labouring Poor, in Ireland	34.	I.
East Cowes. *See* Local Government.		
East India; to make better Provision for the Constitution of the Council of the Governor General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a Vacancy in the Office of Governor General	67.	U. K.
—— for establishing High Courts of Judicature in India	104.	U. K.
—— to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there	54.	U. K.
—— to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India	25.	U. K.
	118.	U. K.
—— to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons	74.	U. K.

	Cap.	Relating to
East India; to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that nature of Her Majesty's British Forces serving in India	89.	U. K.
——— for amending the Red Sea and India Telegraph Act, 1859 (22 & 23 Vict. c. iv.)	4.	U. K.
East Stonehouse. *See* Plymouth Marine Barracks.		
Ecclesiastical Commission; to continue the Act 14 & 15 Vict. c. 104 concerning the Management of Episcopal and Capitular Estates, and further to amend certain Acts relating to the Ecclesiastical Commissioners	131.	E.
——— for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain provisions respecting the Naval Knights of Windsor	116.	E.
Ecclesiastical Leases; to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices	105.	E.
Edinburgh, to declare the Limits within which increased Assessments are authorized to be raised in the City of, under the Provisions of the Act 23 & 24 Vict. c. 50	27.	S.
Edinburgh University, &c.; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith under the Act 1 & 2 Vict. c. 55	90.	S.
Elections, Parliamentary; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)	122.	G. B. & I.
——— for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	112.	E.
——— to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers	53.	E. & I.
——— to amend the Act 13 & 14 Vict. c. 69, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland	60.	I.
——— to amend the Law regarding the Registration of County Voters in Scotland	83.	S.
Employment of the Poor. *See* Poor.		
Employment of Women. *See* Lace Factories.		
Employments, Qualifications for. *See* Indemnity.		
Enlistment in India; to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons	74.	U. K.
Episcopal and Capitular Estates; to continue the Act 14 & 15 Vict. c. 104, concerning the Management of Episcopal and Capitular Estates, and further to amend certain Acts relating to the Ecclesiastical Commissioners	131.	E.
Excise; granting to Her Majesty certain Duties of Excise [Spirits, &c.]	21.	G. B.
——— to continue certain Duties of Inland Revenue for the Service of Her Majesty, and alter and repeal certain other Duties	20.	G. B. & I.
——— *See also* Inland Revenue.		
Exchequer Bills; to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund	5.	U. K.

	Cap.	Relating to
Exchequer Bills. *See also* Consolidated Fund.		
Explosive Substances. *See* Fireworks.		
Factories; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts	117.	U. K.
Fireworks; for amending 23 & 24 Vict. c. 139 to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks	130.	G. B. & I.
Fisheries; to amend the Laws relating to Fisheries of Salmon	109.	E.
——— to make further Provision for the Regulation of the British White Herring Fishery in Scotland	72.	S.
——— *See also* Public Works.		
Foreign Countries, Law of; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions	11.	U. K.
Foreigners, &c. *See* Domicile, &c.		
Forest of Dean, &c.; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein, &c.	40.	E.
Forgery; to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery	98.	E. & I.
Frivolous Defences. *See* Bills of Exchange, &c.		
Furnaces, Smoke from; to amend the Act 20 & 21 Vict. c. 73 for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland	17.	S.
Gas (Metropolis) to amend the Metropolis Gas Act (23 & 24 Vict. c. 146)	79.	E.
Government of the Navy; for the Government of the Navy	115.	U. K.
Government of India. *See* East India.		
Government (Local) of Towns, &c.; to amend the Local Government Act (21 & 22 Vict. c. 104)	61.	E.
Governor General of India. *See* East India.		
Grand Juries; to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors, &c.	63.	I.
Gratuitous Trustees; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees	84.	S.
Guildford Hospital; for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity" at Guildford (Surrey), and its subsidiary Endowments, with certain Alterations	32.	E.
Gunpowder, &c.; for amending 23 & 24 Vict. c. 139 to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks	130.	G. B. & I.
Harbours, &c.; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c.	47.	G. B.
——— to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland	45.	G. B. & I.
——— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes	80.	G. B. & I.

	Cap.	Relating to
Harbours, &c. *See also* Leith Harbour and Docks; Portpatrick Harbour.		
Herring Fisheries; to make further Provision for the Regulation of the British White Herring Fishery in Scotland	72.	S.
High Court of Admiralty, to extend the Jurisdiction and improve the Practice of the	10.	U. K.
High Courts of Judicature in India, for establishing	104.	U. K.
Holyhead Road; to relieve certain Trusts on the Holyhead Road from Debts	28.	E.
Husband and Wife; to amend the Law regarding Conjugal Rights	86.	S.
Improvement of Landed Property. *See* Landed Property Improvement, &c.		
Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	1.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners	38.	E.
Income Tax. *See* Inland Revenue.		
Incumbents, Leases by. *See* Ecclesiastical Leases.		
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	77.	G. B & I.
India. *See* East India.		
Indictable Offences. *See* Criminal Law Consolidation.		
Industrial Schools; for amending and consolidating the Law relating to	113. 132.	E. S.
Infirmary for Cork; to authorize the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork	29.	I.
Injuries (Malicious). *See* Malicious Injuries to Property.		
Inland Revenue; to amend the Laws relating to the Inland Revenue [Excise; Stamps; Land, Assessed, and Income Taxes]	91.	G. B. & I.
——— to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty and to alter and repeal certain other Duties [Customs, Excise, Income Tax, &c.]	20.	G. B. & I.
Insolvency; to amend the Law relating to Bankruptcy and Insolvency in England	134.	E.
Inventories, Duties on. *See* Stamp Duties, &c.		
Ireland, Acts relating specially to. *See* Administration, Letters of. Attorneys and Solicitors. Bills of Exchange. Cork Infirmary. County Cess. County Surveyors. Drunkenness. Dublin. Dwellings for Labouring Poor. Elections, Parliamentary. Grand Juries. Landed Estates Court. Landed Property Improvement. Landlord and Tenant. Lunatic Asylums. Paymasters of Civil Services. Petty Sessions. Private Lunatic Asylums. Probate Court. Promissory Notes. Public Works. Revising Barristers. Tramways. Voters.		
Irremoveable Poor; to amend the Laws regarding the Removal of the Poor, and the Contribution of Parishes to the Common Fund in Unions	55.	E.
Judicature (Courts of); for establishing High Courts of Judicature in India	104.	U. K.
Jurors (Annoyance), Westminster; to repeal certain Enactments		

	Cap.	Relating to
relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof	78.	E.
Justice, Administration of. *See* Accessories and Abetters. Ascertainment of the Law, &c. Bankruptcy and Insolvency. Coinage Offences. Conjugal Rights. Corrupt Practices Prevention. Criminal Law Consolidation. Criminal Proceedings. Crown Suits. Domicile of British Subjects abroad. Drunkenness. East India. Forgery. High Court of Admiralty. Landlord and Tenant. Larceny. Malicious Injuries to Property. Oaths. Offences against the Person. Statute Law Consolidation. Statute Law Revision. Wills.		
Labouring Poor. *See* Dwellings for the Labouring Poor.		
Lace Factories; to place the employment of Women, young Persons, Youths, and Children in Lace Factories under the regulations of the Factories Acts	117.	U. K.
Land, to amend the Law relating to the Drainage of, for Agricultural Purposes	133.	E.
——— to amend the Law relating to the Conveyance of, for Charitable Uses	9.	E.
——— to authorize the Inclosure of certain Lands, in pursuance of Reports of the Inclosure Commissioners . .	1. 38.	E. E.
Land Tax. *See* Inland Revenue.		
Landed Estates Courts (Ireland); to reduce and alter the Rate of Duty payable on Proceedings under the Statute 21 & 22 Vict. c. 72, Section 88, and for other Purposes . .	123.	I.
Landed Property Improvement, &c.; to extend the Provisions of the Acts to facilitate the Improvement of Landed Property, and to further provide for the Erection of Dwellings for the Labouring Poor, in Ireland . . .	34.	I.
Landlord and Tenant; to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act, 1860 (23 & 24 Vict. c. 154) .	48.	I.
Larceny, &c.; to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences	96.	E. & I.
Law of Foreign Countries; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions .	11.	U. K.
Leases, &c. by Incumbents Restriction; to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices	105.	E.
Legacy Duty. *See* Stamp Duties.		
Leith Harbour and Docks; to make arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, under the Authority of the Act 1 & 2 Vict. c. 55	90.	S.
Letters of Administration. *See* Probates and Letters of Administration.		
Leveson's (Lady Katherine) Hospital; for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick) . .	24.	E.
Limitation of Crown Suits; to amend the Act of 9 Geo. 3, c. 16, for quieting Possessions and Titles against the Crown, and		

	Cap.	Relating to
also certain Acts for the like Object relating to Suits by the Duke of Cornwall	62.	G. B. & I.
Lists and Ballots for the Militia. *See* Militia.		
Lists of Voters. *See* Voters.		
Llandilo. *See* Local Government.		
Llanelly. *See* Local Government.		
Loan (East India); to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India	25. 118.	U. K. U. K.
Loans for Public Works. *See* Public Works.		
Local Government; to amend the Local Government Act (21 & 22 Vict. c. 104)	61.	E.
——— to confirm certain Provisional Orders under the Local Government Act, 1858 (21 and 22 Vict. c. 98), relating to the Districts of Brighton, East Cowes, Preston, Morpeth, Bromsgrove, and Durham, &c.	39.	E.
——— to confirm certain Provisional Orders under the Local Government Act 1858, relating to the Districts of Plymouth, Weston-super-Mare, Llanelly, and Llandilo, &c.	128.	E.
Locomotives; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same	70.	G. B.
London Coal and Wine Dues; to continue the Duties levied on Coal and Wine by the Corporation of London	42.	E.
Lord Clerk Register; to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland	81.	S.
Lunatic Asylums; to continue the Act 5 & 6 Vict. c. 123, relating to private Lunatic Asylums in Ireland	57.	I.
Malicious Injuries to Property; to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property	97.	E. & I.
Mallow; to authorize the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork	29.	I.
Manufacture and Sale of Fireworks. *See* Fireworks.		
Marine Barracks; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse, Devon	13.	E.
Marine Mutiny; for the regulation of Her Majesty's Royal Marine Forces while on Shore	8.	U. K.
Marine Stores; for regulating the Business of Dealers in old Metals	110.	E.
Marriages Validity; to render valid Marriages heretofore solemnized in Trinity Church, Rainow, and in other Churches and Chapels	16.	E.
Metals, Old. *See* Marine Stores.		
Medical (Naval) Supplemental Fund Society; to provide for the winding up the Society	108.	U. K.
Medway; to enable the Admiralty to embank part of the River Medway, &c.	41.	E.
Merchant Service. *See* Officers of Reserve (Royal Navy).		
Metropolis Gas; to amend the Metropolis Gas Act (23 & 24 Vict. c. 146)	79.	E.
Metropolitan Building Act; to amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122)	87.	E.
Metropolitan Police; for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes	51.	E.

	Cap.	Relating to
Metropolitan Police; for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes	124.	E.
Military Knights of Windsor. *See* Windsor Suspended Canonries.		
Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	120.	G. B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers	119.	G. B. & I.
Mortgages and Bonds, for facilitating the Transfer of, granted by Railway Companies in Scotland	50.	S.
Mortmain; to amend the Law relating to the Conveyance of Land for Charitable Uses	9.	E.
Morpeth. *See* Local Government.		
Municipal Boundaries. *See* Burghs.		
Municipal Corporations; for amending the Municipal Corporations Act (5 & 6 W. 4. c. 76)	75.	E.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	7.	U. K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore	8.	U. K.
Naval Discipline. *See* Navy.		
Naval Knights of Windsor. *See* Windsor Suspended Canonries.		
Naval Medical Supplemental Fund Society; to provide for the winding up the Society	108.	U. K.
Navy; for the Government of the Navy	115.	U. K.
——— to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve of the Royal Navy	129.	U. K.
New Zealand; to declare the Validity of an Act passed by the General Assembly of New Zealand, to provide for the Establishment of new Provinces	30.	U. K.
Nuisances. *See* Smoke Nuisance.		
Oaths; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings	66.	E. & I.
Offences. *See* Criminal Law Consolidation.		
Offences against the Person; to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person	100.	E. & I.
Offences in Territories near Sierra Leone; for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone	31.	U. K.
Offices, Public; to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act, 1859 (22 Vict. c. 19)	33.	E.
——————— to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a site for Public Offices	88.	E.
Offices, Qualifications for. *See* Indemnity.		
Officers of Reserve (Royal Navy); to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy	129.	U. K.

	Cap.	Relating to
Old Metals, for regulating the Business of Dealers in	110.	E.
Ordnance Survey; to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man	65.	G. B.
Overseers of the Poor. *See* Parochial Officers.		
Parishes; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor	18.	S.
Parliamentary Elections; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)	122.	G. B. & I.
——— for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	112.	E.
——— to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers	53.	E. & I.
——— to amend the Act 13 & 14 Vict. c. 69, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland	60.	I.
——— to amend the Law regarding the Registration of County Voters in Scotland	83.	S.
Parochial Offices; to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business	125.	E.
——— *See also* Poor.		
Parochial Schoolmasters; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters	107.	S.
Passengers (Australian Colonies); to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies	52.	U. K.
Passing Tolls; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c.	47.	G. B.
Pay. *See* Army. Militia. Navy.		
Paymaster of Civil Services; to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Moneys for Public Works	71.	I.
Pensions, British Forces (India); to increase the amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's British Forces serving in India	89.	U. K.
Pensions (Police). *See* Metropolitan Police.		
Personal Estate, to amend the Law with respect to Wills of, made by British Subjects	114.	U. K.
Person, Offences against the; to consolidate and amend the Statute Law of England relating to Offences against the Person	100.	E. & I.
Petty Sessions (Ireland) Act Amendment; to enable Justices in Ireland to commit to local Bridewells Persons convicted of Drunkenness	49.	I.
Piers and Harbours; to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland	45.	G. B. & I.
Plymouth. *See* Local Government.		
Plymouth Marine Barracks; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon)	13.	E.
Police; for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes	51.	E.

	Cap.	Relating to
Police; for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes	124.	E.
Poor; to amend the Laws regarding the Removal of the Poor, and the Contribution of Parishes to the Common Fund in Unions	55.	E.
—— to amend the Law relating to the Removal of Poor Persons to Ireland	76.	E. & I.
—— to simplify the Mode of raising the Assessment for the Poor in Scotland	37.	S.
—— to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor	18.	S.
—— to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business	125.	E.
—— to facilitate Proceedings before Justices under the Acts relating to Vaccination	59.	E.
—— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, &c.	80.	G. B. & I.
Portpatrick Harbour; to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament	106.	S.
Post Office Savings Banks; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof	14.	G. B. & I.
Preston. *See* Local Government.		
Princess Alice's Annuity; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary	15.	U. K.
Prisoners; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital	12.	E.
Private Lunatic Asylums; to continue the Act 5 & 6 Vict. c. 123, relating to private Lunatic Asylums in Ireland	57.	I.
Probate Court; to amend "The Probates and Letters of Administration Act (Ireland), 1857," (20 & 21 Vict. c. 79)	111.	I.
Probate Duties, &c.; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions	92.	G. B. & I.
Promissory Notes; to facilitate the Remedies on Bills of Exchange and Promissory Notes in Ireland by the Prevention of frivolous or fictitious Defences to Actions thereon	43.	I.
Property and Income Tax. *See* Inland Revenue.		
Provisional Orders. *See* Local Government. Turnpike Roads, &c.		
Public Offices; to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act, 1859 (22 Vict. c. 19)	33.	E.
—— to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for	88.	E.
Public Works, &c.; to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes	80.	G. B. & I.
—— to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland	85.	I.
—— to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland		

	Cap.	Relating to
in relation to Advances and Repayments of Public Moneys for Public Works	71.	I.
Qualifications for Offices, &c.; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	77.	G. B. & I.
Queensland, to remove Doubts respecting the Authority of the Legislature of, and to annex certain Territories to the Colony of South Australia	44.	U. K.
Queen's Prison; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital	12.	E.
Railway Companies; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland	50.	S.
Rainow (Chester); to render valid Marriages heretofore solemnized in Trinity Church, Rainow, &c.	16.	E.
Rates, Taxes, and Duties. *See* Assessments. Coal and Wine Duties. County Cess. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties.		
Reading Charities; for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading	23.	E.
Receiver (Metropolitan Police District); for amending the Law relating to the Receiver for the Metropolitan Police District, &c.	124.	E.
Red Sea and India Telegraph; for amending the Red Sea and India Telegraph Act, 1859 (22 & 23 Vict. c. iv.)	4.	U. K.
Register (Lord Clerk) in Scotland; to repeal the Provisions in certain Acts relative to his Salary	81.	S.
Registration of Voters; to amend the Law regarding the Registration of County Voters in Scotland	83.	S.
Relief of the Poor. *See* Poor.		
Relief of Turnpike Trusts; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act	46.	E
Removal of the Poor. *See* Poor.		
Repayment of Public Monies. *See* Public Works.		
Repeal of Acts, &c. *See* Statute Law Consolidation. Statute Law Revision.		
Resignation, &c. of Trustees; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees	84.	S.
Revenue Departments Accounts; to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments	93.	G. B. & I.
Revising Barristers; to make Provision for Salaries for the Revising Barristers for the City of Dublin	56.	I.
Revision of the Statute Law; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force	101.	U. K.
——— *See also* Statute Law Consolidation.		
Roads. *See* Turnpike Roads, &c.		
Royal Marine Barracks (East Stonehouse); to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon)	13.	E.
Royal Marines; for the Regulation of Her Majesty's Royal Marine Forces while on Shore	8.	U. K.
Royal Navy; for the Government of the Navy	115.	U. K.

	Cap.	Relating to
Royal Navy; to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve of the Royal Navy	129.	U. K.
Saint Alban; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	112.	E.
Saint Briavels; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein and in the Hundred of Saint Briavels (Gloucester)	40.	E.
Saint James's Park. *See* Site for Public Offices.		
Salary of the Lord Clerk Register, to repeal the Provisions in certain Statutes relative to the	81.	S.
Sale, &c. of Fireworks; for amending 23 & 24 Vict. c. 139, to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks	130.	G. B. & I.
Salmon Fisheries; to amend the Laws relating to Fisheries of Salmon	109.	E.
Savings Banks; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof	14.	G. B. & I.
Schools, &c.; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland	107.	S.
——— for amending and consolidating the Law relating to Industrial Schools	113. 132.	E. S.
Scotland, Acts relating specially to. *See* Admiralty. Assessments. British White Herring Fisheries. Burghs. Combination of Parishes. Conjugal Rights. County Voters. Edinburgh. Elections, Parliamentary. Gratuitous Trustees. Industrial Schools. Leith Harbour, &c. Lord Clerk Register. Mortgages and Bonds. Parishes. Parochial Schoolmasters. Poor. Portpatrick Harbour. Railway Companies. Registration of Voters. Smoke Nuisance. Tramways. Transfer of Mortgages, &c. Trustees. Voters.		
Scottish Herring Fisheries. *See* British White Herring Fishery.		
Sierra Leone; for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of	31.	U. K.
Site for Public Offices; to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for Public Offices	88.	E.
——— ——— *See also* Public Offices.		
Smoke Nuisance; to amend the Act 20 & 21 Vict. c. 73, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland	17.	S.
Soldiers. *See* Army.		
Solicitors; to amend the Laws relating to Attorneys and Solicitors in Ireland	68.	I.
South Australia; to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia, &c.	44.	U. K.
Spirits. *See* Excise.		
Stamp Duties; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions	92.	G. B. & I.

	Cap.	Relating to
Stamp Duties; for granting to Her Majesty certain Duties of Excise and Stamps	21.	G. B.
——— to reduce and alter the Rate of Duty payable on Proceedings under the Statute 21 & 22 Vict. c. 72. s. 88.; and for other Purposes	123.	I.
Statute Labour Roads. *See* Turnpike Roads, &c.		
Statute Law Consolidation, to repeal certain Enactments which have been consolidated in several Acts of the present Session relative to	95.	G. B. & I.
——— ——— to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abbettors of indictable Offences	94.	E. & I.
——— ——— to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences	96.	E. & I.
——— ——— to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property	97.	E. & I.
——— ——— to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery	98.	E. & I.
——— ——— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin	99.	G. B. & I.
——— ——— to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person	100.	E. & I.
Statute Law Revision; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force	101.	U. K.
Stocks, &c., Transfer of; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities	3.	U. K.
——— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, &c.	35.	E. & I.
Stonehouse. *See* Plymouth Marine Barracks.		
Succession Duties. *See* Stamp Duties.		
Sudbury and Saint Alban; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban	112.	E.
Summary Procedure. *See* Bills of Exchange, &c.		
Supply. *See* Appropriation of Supplies. Consolidated Fund. Exchequer Bills.		
Suspended Canonries; for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor	116.	E.
Suspension of the Militia Ballots. *See* Militia.		
Survey (Ordnance); to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man	65.	G. B.
Taxes, Rates, and Duties. *See* Assessments. Coal and Wine Duties. County Cess. Customs. Excise. Inland Revenue. Passing Tolls. Stamp Duties.		
Tenant and Landlord; to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act, 1860 (23 & 24 Vict. c. 154)	48.	I.

	Cap.	Relating to
Telegraphic Communication between England and India. *See* East India.		
Temple Balsall Hospital; for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick)	24.	E.
Test taken by Schoolmasters. *See* Parochial Schoolmasters.		
Tolls, to exempt the Volunteer Forces of Great Britain from the Payment of	126.	G. B.
—— *See also* Turnpike Roads, &c.		
Tramways; to amend the Tramways (Ireland) Act, 1860 (23 & 24 Vict. c. 152)	102.	I.
—— to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland	69.	S.
Transfer of Mortgages, &c.; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland	50.	S.
Transfer of Stocks, &c.; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities, &c.	3.	U. K.
—— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively, &c.	35.	E. & I.
Treasury Chest Fund, for limiting and regulating	127.	U. K.
Trinity Church, Rainow, to render valid Marriages heretofore solemnized in	16.	E.
Trustees; to amend the Law relative to the Resignation, Powers, and Liabilities of gratuitous Trustees	84.	S.
Trusts, Charitable. *See* Charity Commission.		
Trusts, Turnpike. *See* Turnpike Roads, &c.		
Turnpike Roads, &c.; to continue certain Turnpike Acts in Great Britain	64.	G. B.
—— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act	46.	E.
—— for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same	70.	G. B.
—— to relieve certain Trusts on the Holyhead Road from Debts	28.	E.
—— to exempt the Volunteer Forces of Great Britain from the Payment of Tolls	126.	G. B.
Unions. *See* Poor.		
Universities (Elections); to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers	53.	E. & I.
University of Durham; for making Provision for the good Government and Extension of the University of Durham	82.	E.
University of Edinburgh; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh, &c.	90.	S.
Vaccination; to facilitate Proceedings before Justices under the Acts relating to Vaccination	59.	E.

	Cap.	Relating to
Validity of Marriages. *See* Marriages.		
Volunteers; to exempt the Volunteer Forces of Great Britain from the Payment of Tolls	126.	G. B.
Voters, to amend the Act 13 & 14 Vict. c. 69, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland	60.	I.
——— to amend the Law regarding the Registration of County Voters in Scotland	83.	S.
Voting Papers; to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers	53.	E. & I.
Waggons. *See* Locomotives.		
Westminster, to repeal the Acts relating to nominating and appointing the Householders of, to serve as Annoyance Jurors, and to make other Provisions in lieu thereof	78.	E.
Weston-super-Mare. *See* Local Government.		
White Herring Fishery; to make further Provision for the Regulation of the British White Herring Fishery in Scotland	72.	S.
Wills and Domicile of British Subjects abroad, &c.; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions	121.	U. K.
Wills of Personalty by British Subjects; to amend the Law with respect to Wills of Personal Estate made by British Subjects	114.	U. K.
Windsor Suspended Canonries; for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor	116.	E.
Wine Duties (London); to continue the Duties levied on Coal and Wine by the Corporation of London	42.	E.
Women, &c., Employment of; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts	117.	U. K.
Works, Public. *See* Public Works.		
Young Persons. *See* Lace Factories.		

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